

**THE CITIZENS' GUIDANCE MANUAL
FOR THE
TECHNICAL ASSISTANCE GRANT PROGRAM**

**U.S. Environmental Protection Agency
Washington, D.C.**

NOTICE

NOTICE

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U.S. Environmental Protection Agency
Washington, D.C. 20460

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PREFACE

Informed public involvement is integral to U.S. Environmental Protection Agency (EPA) and State actions at hazardous waste sites taken under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, commonly known as "Superfund." To facilitate this public involvement throughout the planning and implementation of remedial response at hazardous waste sites, EPA conducts community relations activities at such sites to encourage two-way communication between EPA and States on the one hand, and communities affected by Superfund sites on the other. EPA seeks to provide the public with accurate and timely information about cleanup plans and progress, and encourages citizen input throughout the government's decision-making process.

The Superfund Amendments and Reauthorization Act of 1986 (SARA), which amended CERCLA, provides under section 117(e) an important new component of EPA's community relations activities at Superfund sites -- technical assistance grants to affected groups. The purpose of these grants is to assist citizens' groups in understanding technical information that assesses potential hazards and the selection and design of appropriate response actions at Superfund sites.

This manual outlines Federal policies, procedures, and regulations related to the Technical Assistance Grant Program and provides instructions on how to complete Federal grant forms. If a State administers the Technical Assistance Grant Program, the State may have additional procedures and requirements that affect citizens' groups applying for grants within that State. In addition, a State may require groups to complete different forms. Groups, therefore, should contact the appropriate State representative for specific information if their State is administering the Technical Assistance Grant Program.

This manual is designed to help citizens' groups apply for and manage a technical assistance grant. It is written as a self-help guide in an easy-to-understand manner. Step-by-step instructions for completing various forms are included throughout the manual. In addition, copies of blank forms have been included for easy reference. Samples of material required of citizens' groups also have been provided as models. Finally, copies of relevant portions of the EPA grant and procurement regulations and Office of Management and Budget (OMB) Circulars have been provided in an appendix as a handy reference tool. If you have any comments on the usefulness and clarity of this manual, please send them to EPA at the following address:

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LIST OF ACRONYMS

The following list contains acronyms commonly used in conjunction with the Superfund program. These terms are used throughout the manual. This list is presented first and then is followed by a glossary so that you will be familiar with these acronyms and terms as you read this manual.

CERCLA

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA)

CR

Community Relations

FS

Feasibility Study

HRS

Hazard Ranking System

NCP

National Oil and Hazardous Substances Pollution Contingency Plan

NPL

National Priorities List

O&M

Operation and Maintenance

PRP

Potentially Responsible Party

ROD

Record of Decision

RA

Remedial Action

RD

Remedial Design

RFP

Request for Proposals

RI

Remedial Investigation

RI/FS

Remedial Investigation/Feasibility Study

RPM

Remedial Project Manager

SI

Site Inspection

TAG

Technical Assistance Grant

GLOSSARY OF TERMS USED IN THIS MANUAL

This glossary defines terms describing activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, commonly called Superfund), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). The definitions apply only to this manual and may have other meanings when used in different circumstances. In addition, terms used in EPA regulations governing grant and procurement processes (40 CFR Parts 30 and 33) are included. Italicized words are defined separately in the glossary.

Administrative Record:

All documents which EPA considered or relied on in selecting the *response action* at a *Superfund* site, culminating in the *record of decision* for *remedial action* or action memorandum for *removal actions*. The administrative record is available at EPA Regional Offices and individual site *information repositories*.

Allocable Costs:

A cost is allocable to a project if it is incurred specifically for one or more project objectives. An allocable cost also can be one that is necessary to the overall operation of the project, but does not directly benefit any specific project objective (e.g. administrative costs, salary of *technical advisor*).

Allowable Costs:

Costs that are eligible, reasonable, necessary, and *allocable* to a project. These costs must be permitted by appropriate Federal regulations and approved by EPA in the *grant agreement*.

Applicant:

Any group of individuals that files an application for a technical assistance grant.

Application:

A completed formal written request for a technical assistance grant that is submitted to the Agency on EPA Form 5700-33, "State and Local Nonconstruction Program," or to a State on its appropriate form.

Award:

The technical assistance *grant agreement* signed by both EPA and the *recipient*.

Award Official:

The official authorized to sign *grant agreements*.

Budget:

A financial plan for the spending of all Federal and *matching funds* (including *in-kind contributions*) for a *technical assistance grant project* as proposed by the *applicant*, and negotiated with and approved by the *Award Official*.

Budget Period:

The length of time specified in a *grant agreement* during which the *recipient* may spend or obligate Federal funds. The budget period may not exceed three years. A technical assistance grant *project period* may be comprised of several budget periods.

GLOSSARY OF TERMS (continued)

Cash Contribution:

Actual non-Federal dollars, or Federal dollars if expressly authorized by statute, that a *recipient* spends for goods and services and *real or personal property* used to satisfy the *matching funds requirement*. (Also see *in-kind contribution*.)

Closeout:

The final actions by EPA and the grant *recipient* to assure satisfactory completion of project work and to fulfill administrative requirements, including: (a) financial settlement; (b) submission of acceptable required final reports by the grant *recipient*; and (c) the resolution of any outstanding issues under a *grant agreement*.

Code of Federal Regulations (CFR):

An annually revised codification of the rules published in the *Federal Register* by the executive departments and agencies of the Federal government. The CFR is divided into 50 titles which represent broad areas subject to Federal regulation. Actions by EPA are governed by Title 40 of the CFR.

Community Relations (CR):

EPA's program to inform and involve the public in the *Superfund* process and to respond to community concerns.

Community Relations Coordinator (CRC):

The EPA, State, or Federal facility official in charge of public involvement programs at a *Superfund* site.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended:

A Federal law passed in 1980 and modified by the Superfund Amendments and Reauthorization Act of 1986 (SARA). Commonly known as *Superfund*, CERCLA is intended to protect human health and the environment. The law also created the Hazardous Substance Superfund, which is financed by special taxes and general Federal revenues for the purpose of: (1) investigating and cleaning up abandoned or uncontrolled hazardous waste sites; and (2) taking short-term actions to deal immediately with spills and other emergency situations involving hazardous substances. Under the program, EPA can either: (1) pay for site cleanup when parties responsible for the contamination cannot be located or are unwilling or unable to perform the work; or (2) take legal action to force parties responsible for site contamination to clean up the site or pay back the Federal government for the cost of cleanup.

Continuation:

The extension of a *grant agreement* for an additional *budget period* beyond the date to which EPA agreed to fund a specific project. A continuation would be used at the end of each budget period, thus several may be necessary for one project.

Contractor:

Any party (i.e., *technical advisor*) to whom a *recipient* awards a *subagreement*.

GLOSSARY OF TERMS (continued)

Cost Analysis:

The review and evaluation of the cost of each *subagreement* item to determine if it is reasonable, *allocable*, and *allowable*.

Debarment:

An action taken by the Director, Grants Administration Division, U.S. EPA under 40 CFR Part 32 to deny an individual, organization or unit of government the opportunity to participate in EPA *grant agreements* or to receive *subagreements*.

Direct Costs:

Those costs that can be identified with and charged to a specific project objective. An example would be the time a *technical advisor* spends reviewing the *feasibility study* report. (Also see *indirect costs*.)

Eligible Costs:

Those costs that the Federal government is authorized by applicable laws and regulations to pay. (See *allowable costs*.)

Enforcement:

EPA's efforts, through legal action, if necessary, to force *potentially responsible parties* to perform or pay for a *Superfund* site project.

EPA:

The U.S. Environmental Protection Agency or the Agency. Where a State administers the Technical Assistance Grant Program, the term "EPA" may mean a State agency.

Expendable Personal Property:

Personal property with a useful life of less than two years and/or an acquisition cost of less than \$500. An example would be office supplies. (Also see *nonexpendable personal property*.)

Feasibility Study (FS):

See remedial investigation/feasibility study.

Federal Facility:

A facility that is owned or operated by any department, agency, or instrumentality of the United States.

Formal Amendment:

A written modification of a *grant agreement* signed by both the authorized representative of the *recipient* and the *Award Official*.

Grant Agreement:

A legal document that transfers money, or anything of value, to a *recipient* to accomplish the purpose of the *technical assistance grant project*. It specifies *budget* and *project periods*, the Federal and matching shares of eligible project costs, a description of the work to be accomplished, and any special conditions.

GLOSSARY OF TERMS (continued)

Hazardous Substance:

Any material that poses a threat to human health and/or the environment. Typical hazardous substances are materials that are toxic, corrosive, ignitable, explosive, or chemically reactive.

Health Assessment:

An evaluation of available data on existing or potential risks to human health posed by a *Superfund* site. The Agency for Toxic Substances and Disease Registry of the U.S. Department of Health and Human Services is required to perform a health assessment at every site on the *National Priorities List*.

Indirect Costs:

Any costs that are incurred for general administration of a project, that cannot be directly charged to a particular project objective. Indirect costs also are referred to as overhead or burden costs. For example, the office supplies (paper, pencils, etc.) purchased for the accounting of a technical assistance grant are indirect costs. (Also see *direct costs*.)

Information Repository:

A file containing current information, technical reports, and reference documents regarding a *Superfund* site. The information repository usually is located in a public building that is convenient for local residents -- such as a public school, city hall, or library.

In-Kind Contribution:

The value of a non-cash contribution used to meet a *recipient's matching funds* requirement in accordance with 40 CFR 30.307(b). An in-kind contribution may consist of charges for equipment or the value of goods and services necessary to and directly benefiting the EPA-funded project.

Matching Funds:

The portion of *allowable* project costs that a *recipient* contributes toward completing the *technical assistance grant project* using non-Federal funds or Federal funds if expressly authorized by statute. The match may include *in-kind* as well as *cash contributions*.

National Oil and Hazardous Substances Pollution Contingency Plan (NCP):

The Federal regulation that guides the *Superfund* program.

National Priorities List (NPL):

EPA's list of the most serious hazardous waste sites identified for possible long-term *remedial response*. EPA is required to update the NPL and publish it in the *Federal Register* at least once a year.

Nonexpendable Personal Property:

Personal property with a useful life of at least two years and an acquisition cost of \$500 or more (see 40 CFR 30.200), such as a word processor. (Also see *expendable personal property*.)

Nonprofit Organization:

Any corporation, trust, association, cooperative, or other organization which: (1) is operated for non-profit purposes; (2) is not organized for the purpose of making a profit; (3) is not organized for the purpose of operating for profit; and (3) uses its net proceeds to maintain, improve, and/or expand its operations.

GLOSSARY OF TERMS (continued)

Operable Unit:

A response action taken as one part of an overall site response. A number of operable units can be used in the course of a site response.

Operation and Maintenance (O&M):

Activities conducted at a site after a *remedial action* occurs to ensure that the cleanup or containment system continues to function properly.

Outlays:

The payment of obligations which involves issuing checks or spending cash. The terms "expenditures" and "net disbursements" are frequently used interchangeably with the term "outlays." An example of an outlay that might be made under a technical assistance grant would be paying a *technical advisor* for the time he/she spent reviewing the site *feasibility* study.

Personal Property:

Property other than *real property*. It may be tangible (having physical existence), such as equipment and supplies, or intangible (having no physical existence), such as patents, inventions, and copyrights.

Potentially Responsible Party (PRP):

Any individual(s) or company(ies) (such as owners, operators, transporters, or generators) potentially responsible under sections 106 or 107 of CERCLA for the contamination problems at a *Superfund* site.

Price Analysis:

The process of evaluating a prospective price without regard to the contractor's separate cost elements (e.g., labor, travel, other direct costs) and proposed profit. Price analysis determines the reasonableness of the proposed *subagreement* price based on such indicators as adequate competition or previous experience with similar work.

Profit:

The net proceeds obtained by subtracting all *allowable costs* (direct and indirect) from the price. (Because this definition of profit is based on applicable Federal cost principles, it may vary from many firms' definition of profit, and may correspond to their definition of "fee.")

Project Costs:

All costs the *recipient* incurs in carrying out the project. Under the Technical Assistance Grant Program, 35 percent of these costs will be paid by the *recipient* with the remaining percentage to be paid by the Federal government.

Project Period:

The period of time specified in the *grant agreement* for completion of all project work. It may be composed of more than one *budget period*.

Real Property:

Land, including buildings, fences, and other structures, but excluding movable machinery and equipment which are classified as *personal property*.

GLOSSARY OF TERMS (continued)

Recipient:

Any group of individuals that has been awarded a technical assistance grant.

Recipient's Technical Assistance Grant (TAG) Project Manager:

The person legally authorized to obligate the organization to the terms and conditions of EPA's regulations and the *grant agreement*. This person or their designee will serve as the principal contact with EPA.

Record of Decision (ROD):

A public document that explains which cleanup alternative(s) will be used at a *National Priorities List* site. The record of decision is based on information and technical analysis generated during the *remedial investigation/feasibility study* and consideration of public comments and community concerns.

Remedial Action (RA):

The actual construction or implementation phase that follows the *remedial design* of the selected cleanup alternative at a site on the *National Priorities List*.

Remedial Design (RD):

An engineering phase that follows the *record of decision* when technical drawings and specifications are developed for the subsequent *remedial action* at a site on the *National Priorities List*.

Remedial Investigation/Feasibility Study (RI/FS):

Two distinct, but related studies, usually performed at the same time. The RI/FS is intended to: (1) gather the data necessary to determine the type and extent of contamination at a *Superfund* site; (2) identify and screen cleanup alternatives for *remedial action*; and (3) analyze in detail the technology and costs of the alternatives.

Remedial Project Manager (RPM):

The EPA official responsible for overseeing *remedial response* activities at *Superfund* sites.

Remedial Response:

A long-term action at a *National Priorities List* site that stops or substantially reduces a release or threatened release of hazardous substances that is serious, but that does not pose an immediate threat to human health or the environment.

Removal:

An immediate action taken over the short-term to address a release or threatened release of hazardous substances.

Response Action:

All activities undertaken to address the problems created by hazardous substances at a site, including both *removal* and *remedial responses*.

GLOSSARY OF TERMS (continued)

Responsiveness Summary:

A summary of oral and/or written public comments received during the comment period on key site documents, and the agency's responses to those comments. As a part of the *record of decision* at a *National Priorities List* site, the responsiveness summary documents agency decision-makers' responses to concerns raised by the community.

Risk Assessment:

An evaluation performed as part of the *remedial investigation* to assess conditions at a *Superfund* site and determine the risk posed to human health and/or the environment.

Start of Response Action:

The point in time when there is a guarantee or set-aside of funding either by EPA, other Federal agencies, States, or *PRPs* in order to begin *response actions* at a site. The document, which reflects the set-aside of, or formally guarantees, funding during the coming fiscal year, is EPA's annual Superfund Comprehensive Accomplishments Plan (SCAP).

Subagreement:

A written agreement between the technical assistance grant *recipient* and another party (a contractor other than a public agency) for services or supplies necessary to complete the *technical assistance grant project*. Subagreements include contracts and subcontracts for personal and professional services or supplies necessary to complete the *technical assistance grant project*, and agreements with consultants, and purchase orders.

Superfund:

The common name used for the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)*. Also referred to as the Hazardous Substance Superfund, Superfund was established by CERCLA to help pay for the cleanup of hazardous waste sites and to take legal action to force those responsible for the sites to clean them up.

Technical Advisor:

A person hired by a technical assistance grant *recipient* to help affected groups and individuals interpret site-related documents regarding the nature of the hazard at the *Superfund* site for which the grant has been received.

Technical Assistance Grant Project:

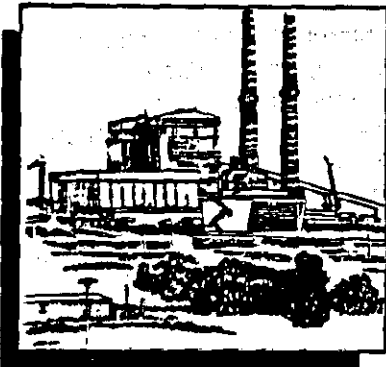
The activities or tasks identified in the *grant agreement*, which comprise a *recipient's* technical assistance project.

Technical Assistance Grant (TAG) Project Officer:

The official designated in the *grant agreement* as EPA's Technical Assistance Grant Program contact with the *recipient*. TAG Project Officers are responsible for monitoring the project.

CHAPTER 1

OVERVIEW



The U.S. Environmental Protection Agency (EPA) is responsible for protecting and enhancing the quality of the environment. As part of this responsibility, EPA administers the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (hereafter referred to as CERCLA). Also known as Superfund, CERCLA authorizes EPA to clean up abandoned or uncontrolled hazardous waste sites across the United States that the Agency has placed on the National Priorities List (NPL).^{*} An important aspect of the Superfund program is citizen involvement at the local level in decisions that relate to site-specific cleanup actions.

Decisions concerning cleanup activities at Superfund sites must take into account a spectrum of technical considerations. The process of cleaning up a Superfund site requires detailed technical study of the nature and extent of contamination at the site, analysis of the methods and techniques available for performing cleanup actions, and design and implementation of the actual site cleanup. In planning and implementing these cleanup efforts, EPA and States seek to involve citizens living near these sites in activities and decisions made about the site-specific cleanup process.

Clearly, an understanding of the technical issues concerning a hazardous waste site in their community helps citizens provide thoughtful, informed comments to decision-makers considering proposed Superfund actions. Recognizing the need for citizens to be well informed of the conditions and activities at Superfund sites in their community and the importance of informed comment from citizens, Congress established the Technical Assistance Grant Program as part of the Superfund program. The Technical Assistance Grant Program provides grants of up to \$50,000 to citizens' groups to obtain assistance in interpreting information related to cleanups at Superfund sites on or proposed for the NPL. These grants are to be

^{*}The NPL is EPA's list of the most serious hazardous waste sites identified for possible long-term remedial response. EPA is required to publish it in the Federal Register at least once a year.

used by citizens' groups to hire technical advisors to help them understand site-related technical information for the duration of site response activities.

This manual has been prepared to guide citizens' groups through the technical assistance grant process, from applying for the grant to hiring a technical advisor and managing the technical assistance grant project. Technical assistance grants are awarded through a process described in later chapters of this manual, according to criteria established by Federal regulations. A brief summary of the regulations governing this new grant program and the steps involved in applying for the grant and hiring a technical advisor is provided below.



EPA issued an Interim Final Rule (IFR) on March 24, 1988 establishing initial policies and procedures for accepting and evaluating applications, and for awarding and managing technical assistance grants. The IFR details the specific requirements for obtaining technical assistance grants, including eligibility and financial requirements. In addition, EPA has a set of comprehensive rules and regulations that apply to all of its grant programs, including the Technical Assistance Grant Program. The procedures contained in this manual are based on the IFR and on existing EPA grant and procurement regulations.

The parts of EPA regulations that affect technical assistance grants are contained in Volume 40 of the Code of Federal Regulations (CFR) Subchapter B -- "Grants and Other Federal Assistance." Under this Subchapter are 40 CFR Part 30, "General Regulation for Assistance Programs," and 40 CFR Part 33, "Procurement Under Assistance Agreements." In conjunction with the IFR (40 CFR Part 35, Subpart M, "Grants for Technical Assistance"), these regulations represent all the regulations that apply to the Technical Assistance Grant Program.

These grant and procurement regulations spell out the legal mechanisms by which EPA can award grants, and ensure that the grant recipient (i.e., any person or group that has been awarded an EPA grant) uses Federal funds in an appropriate manner. To aid the reader's understanding of these lengthy, complex regulations, Appendix D of this manual contains an annotated reprint of 40 CFR Parts 30 and 33 with highlights of key provisions. Not all relevant

regulatory provisions have been highlighted; therefore, grant applicants (i.e., any group or individual that files an application for EPA financial assistance) must read these regulations carefully.

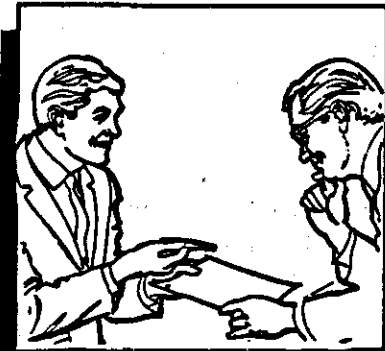
While specific steps for obtaining and managing technical assistance grants are explained in later chapters of the manual, a summary of the steps involved in applying for a grant and hiring or procuring a technical advisor are provided below.

The Grant Application Process



1. **Submit Letter of Intent** — Groups must notify EPA of their interest to apply for a technical assistance grant by submitting a letter of intent.
2. **EPA Response** — EPA will undertake certain activities to formally notify the community that a grant for the site soon may be awarded depending on the schedule for work at the site.
3. **Begin Consolidation** — Other potential applicants then would have 30 days to contact the original applicant to form a coalition and submit a single application. If the groups cannot form a single coalition, applicants must notify EPA and will have an additional 30 days to file competing applications.
4. **Complete the Grant Application** — Applicants must complete the grant application, EPA Form 5700-33, including Part IV of the application which describes applicant qualifications, the projected tasks, and the schedule and budget for technical assistance activities.
5. **Complete the Procurement System Certification Form** — Applicants must complete a procurement system certification form, EPA Form 5700-48, agreeing to comply with relevant EPA requirements.
6. **Begin Intergovernmental Review** — Applicants must contact the appropriate State office to determine what steps are needed to comply with their State's intergovernmental review process, if applicable.
7. **Submit Application Package** — Applicants must submit a completed grant application (EPA Form 5700-33) and the procurement system certification (EPA Form 5700-48) to the appropriate EPA Regional Office.
8. **EPA Response** — EPA will notify each applicant group in writing as to whether its grant request has been approved or rejected.

The Procurement Process



1. **Select a Procurement Method** — For subagreements of \$25,000 or less, grant recipients may use the small purchase procurement method. For subagreements over \$25,000, the competitive negotiation procurement method is recommended to ensure maximum free and open competition.

2. **Prepare a Request for Proposal (RFP)** — Under the competitive negotiation method, an RFP provides the principal services required by the recipient. Prospective technical advisors then must submit proposals, or technical approaches, for providing those services.

3. **Publish a Public Notice** — For procurements greater than \$25,000, recipients must publish a public notice soliciting proposals. This notice must be published in a publication of general circulation at least 30 days before the deadline for the receipt of the proposals.

4. **Send Out RFP** — Recipients then must make copies of the RFP available to prospective technical advisors.

5. **Evaluate the Proposals** — Recipients must evaluate proposals using the criteria stated in the RFP to determine if the applicants have the ability and resources to provide the necessary services.

6. **Select a Technical Advisor** — First recipients narrow down the proposals, then recipients may negotiate with the applicants to obtain best and final offers or award the subagreement based on the initial offers. Finally, the recipient selects the proposal that best meets the objectives of the RFP and notifies all unsuccessful candidates in writing that their proposals were rejected.

7. **Develop a Subagreement** — The grant recipient must develop a subagreement with the technical advisor that includes the following elements:

- ◆ nature, scope, and extent of work to be performed;
- ◆ time-frame for performance;
- ◆ total cost of the subagreement; and
- ◆ payment provisions.

Groups must inform EPA of any proposed subagreement between the recipient and the technical advisor, and must provide the Agency with the opportunity to review the subagreement awarded.



Exhibit 1-1 illustrates the application process for the Technical Assistance Grant Program and Exhibit 1-2 illustrates the process of hiring a technical advisor. The length of the technical assistance grant application process will differ from one site to another, as will the procurement process during which a subagreement between the grant recipient and the technical advisor is awarded.* The application process may take as long as 17 weeks, while hiring a technical advisor may take 14 weeks.

If your group is applying for a technical assistance grant, you should anticipate that some steps in the process will be more time-consuming than others. We recommend that your group identify and initiate these activities well in advance of required deadlines; for example, forming coalitions with other groups, identifying and securing in-kind services, identifying matching funds, identifying potential technical advisors, developing budget tracking procedures, and setting up recordkeeping systems. Careful advance planning can help minimize delays in obtaining a grant and hiring a technical advisor.

If your group is interested in applying for a technical assistance grant, you should be aware that if a State chooses to administer the program, the State may have additional requirements and forms to be completed by applicants. Before your group begins the application process outlined in this manual, you should check with the appropriate State contact if your State is administering the program. (See Appendix C for a list of State Superfund contacts.)

This manual has been prepared to guide you through the EPA grant application and procurement process. Specifically, this manual is organized as follows:

Chapter 2, *"Using Technical Assistance in the Superfund Remedial Process,"* outlines the role of a technical advisor within the Superfund program. Also included is a list of documents prepared during the remedial process that a technical advisor might review.

Chapter 3, *"Requirements of the Technical Assistance Grant Program,"* outlines the requirements of the technical assistance program. Topics discussed in detail include applicant qualifications, activities suited for technical assistance, and the financial requirements of a grant.

*Groups may choose to hire one individual, several individuals, or an organization—such as a consulting firm—to perform technical assistance activities. Throughout this manual, therefore, the term "technical advisor" is used generally to refer to an individual or individuals under contract to provide technical assistance services.

Exhibit 1-1

Applying for a Technical Assistance Grant

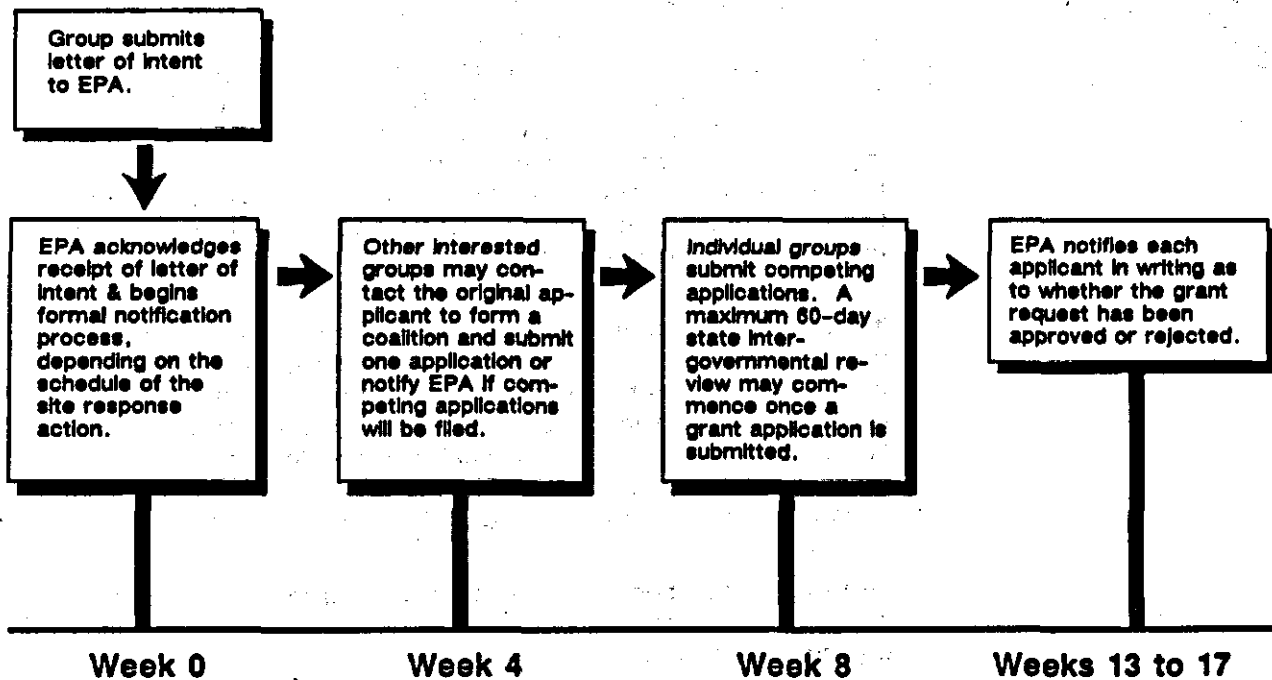
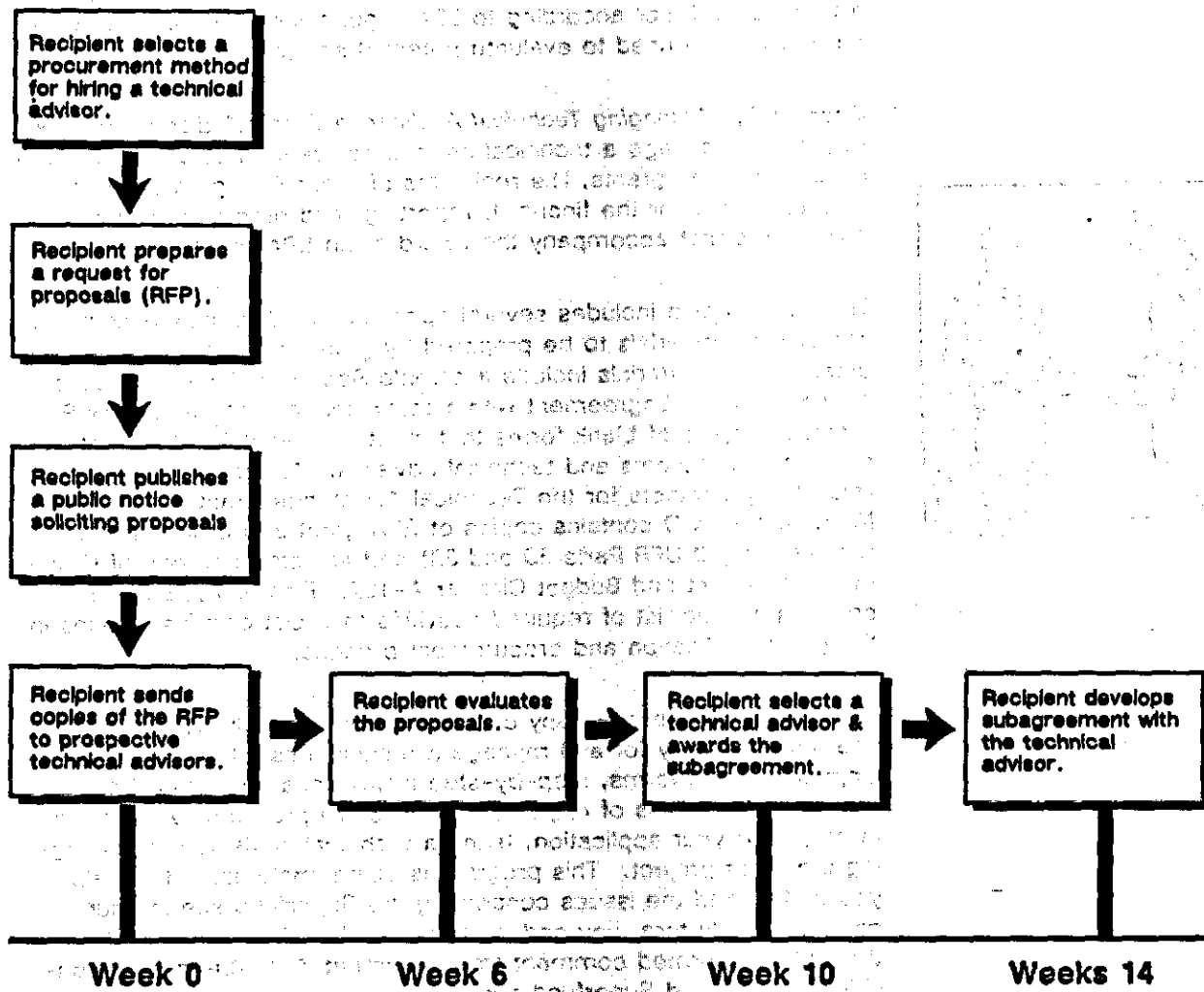


Exhibit 1-2

Hiring a Technical Advisor

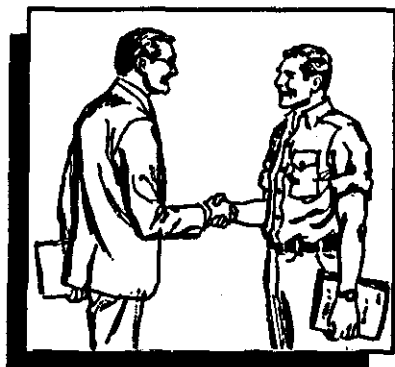


* The process illustrated in this exhibit is based on the competitive negotiation procurement process.
(Note: for amounts over \$25,000.)

Chapter 4, "Grant Application and Award Process," outlines the procedures for completing a technical assistance grant application. A major part of this application process is the applicant's development of a Scope of Services specifying tasks to be completed by the technical advisor.

Chapter 5, "How to Hire Technical Advisors," describes how to hire a technical advisor according to EPA regulations. Examples of criteria that can be used to evaluate potential advisors are included.

Chapter 6, "Managing Technical Assistance Grants," discusses how to properly manage a technical assistance grant. Recipients of technical assistance grants, like recipients of other EPA grants, must be able to administer the financial, reporting, and recordkeeping requirements that accompany the award of an EPA grant.



This manual also includes several appendices. Appendix A contains samples of materials to be prepared by grant applicants and recipients. These materials include a sample Scope of Services, public notice, and a subagreement with a technical advisor. Appendix B provides copies of blank forms that must be completed by grant applicants or recipients and technical advisors. Appendix C provides lists of key contacts for the Technical Assistance Grant Program. Next, Appendix D contains copies of EPA grant and procurement regulations (40 CFR Parts 30 and 33) and selected portions of Office of Management and Budget Circular A-122. Finally, Appendix E contains a checklist of required activities to assist citizens' groups in the grant application and procurement process.

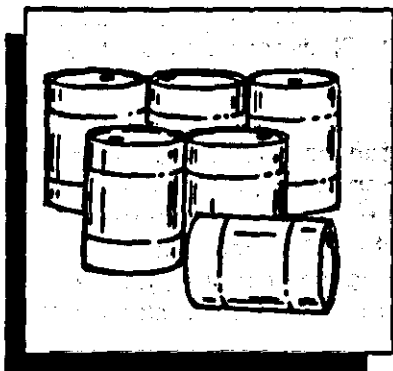
With this manual and a copy of the IFR, you have all the information you need to apply for and manage a technical assistance grant. Copies of blank forms, step-by-step instructions for completing forms, and samples of required materials are provided to assist you in preparing your application, hiring a technical advisor, and managing the grant project. This program is being implemented to help you understand the issues concerning the Superfund site in your community. In turn, you and your technical advisor can provide thoughtful, informed comment to government decision-makers considering proposed Superfund actions.

CHAPTER 2

USING TECHNICAL ASSISTANCE IN THE SUPERFUND REMEDIAL PROCESS*

The availability of technical assistance grants will provide communities with the resources necessary to hire technical advisors. Obtaining the resources to hire a technical advisor, however, is only the first step. Each citizens' group will have to define the role of the technical advisor so as to meet their project's unique objectives for understanding complex site issues and contributing effectively to the Superfund process. This chapter provides an overview of the Superfund remedial process. Rather than give a comprehensive presentation about the Superfund program, this discussion highlights the types of technical documents produced during the Superfund response process and identifies opportunities for public involvement. This information will help you define an effective role for your technical advisor in the Superfund process. Because site conditions vary widely, however, you should not hesitate to consider site-specific circumstances in determining how best to use a technical advisor.

The Superfund Program



CERCLA is the nation's principal means of addressing the public health and environmental threats posed by abandoned or uncontrolled hazardous waste sites. This law emphasizes the selection of remedies that permanently treat or destroy wastes rather than disposing of waste in landfills without such treatment. The law also

*Sections of this chapter have been taken directly from (a) "Interim Guidance on Superfund Selection of Remedy," Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency, December 1985; (b) "Guidance on Remedial Investigations under CERCLA," Office of Research and Development and Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency, April 1985; (c) "Superfund Remedial Design and Remedial Action Guidance," Office of Emergency and Remedial Response, U.S. Environmental Protection Agency, February 1985; (d) Community Relations in Superfund: A Handbook (Interim Version), Office of Emergency and Remedial Response, U.S. Environmental Protection Agency, March 1986; and (e) "Final Guidance for Coordinating ATSDR Health Assessment Activities with the Superfund Remedial Process," Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency, March 11, 1987.

increases State involvement in the cleanup process and strengthens EPA's commitment to research and development, training, and public participation.

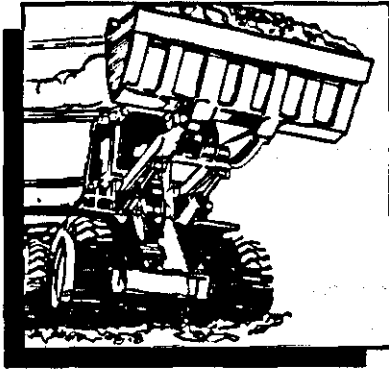
Under CERCLA, an \$8.5 billion trust fund known as the Hazardous Substance Superfund was established that is funded principally through Federal taxes imposed upon petroleum products, chemical feedstocks, and imported chemical derivatives; a broad-based corporate tax; and general Federal revenues. The trust fund is designed to pay for cleanup operations, enforcement actions, and the recovery of costs from the parties responsible for the contamination. At the end of 1987, EPA's updated NPL included 951 sites distributed among 48 States (two States do not have any sites) and seven other jurisdictions.

Under Superfund, there are two basic courses of action we may take to address site contamination that poses a threat to human health and the environment: removal and remedial. Removals are emergency or short-term cleanups undertaken in response to immediate threats to human health and the environment (e.g., the threat of explosion or rapid migration of pollutants). A remedial response addresses a chronic, long-term problem. Once a site has been identified, evaluated, and placed on the NPL, it is eligible for remedial response. Remedial responses are oriented toward providing long-term solutions to on-site risks and tend to be both expensive (averaging \$6-\$12 million per site) and lengthy (averaging 3-5 years to complete).

A second important distinction among Superfund actions is that we may designate a response action as either "enforcement-lead" or "Fund-lead." CERCLA provides EPA with the authority to compel potentially responsible parties (PRPs), whenever possible, to clean up or pay for the costs of cleaning up these sites. These actions are commonly referred to as the Superfund enforcement process, and include: (1) negotiated settlements; (2) direct administrative orders; or (3) legal actions.

Payment for Fund-lead action and for cleanups when PRPs cannot be found or are unwilling or unable to clean up or pay for the cleanup themselves is drawn directly from the Hazardous Substance Superfund. Fund-financed sites may be either "Federal-lead" or "State-lead" (i.e., either EPA or a State agency has the primary responsibility for planning, managing, and completing the cleanup).*

*Throughout the remainder of this chapter, the term "lead agency" refers to the responsible agency -- either EPA or the State -- that has the primary responsibility for planning, managing, and completing the cleanup.



EPA, in consultation with States, decides which agency will be in charge of managing the site cleanup. Regardless of who carries out the response action at a Superfund site, the procedures governing that action are outlined in the National Contingency Plan (NCP). The NCP is the Federal regulation that specifies the requirements for planning and implementing response actions at Superfund sites and carries the force of law.

Hazardous waste sites currently or previously owned by other Federal agencies (e.g., U.S. Department of Defense, U.S. Department of Interior) also are included on the NPL. At these sites, the Federal agency pays the cleanup costs. CERCLA provides that EPA make the final selection of a remedy at a Federal facility on the NPL if the Federal agency involved and EPA disagree.

CERCLA also authorizes technical assistance grants for sites on or proposed for the NPL where a response action has begun. Therefore, the role of the technical advisor at NPL sites is examined in the remainder of this chapter. This discussion also addresses those situations in which a significant removal action occurs at an NPL site, and the special considerations for using an advisor presented by enforcement-managed responses and Federally-owned sites. Because the primary role of the technical advisor is to interpret site-related information and documents, Exhibit 2-1 (at the end of this chapter) provides a summary of documents prepared during the remedial process.

The Remedial Process

The remedial process, as outlined below, is divided into four phases:

- ◆ preliminary assessment & site inspection (PA/SI);
- ◆ remedial investigation/feasibility study (RI/FS);
- ◆ remedial design (RD); and
- ◆ remedial action (RA).

Preliminary Assessment and Site Inspection

We learn about potential sites for remedial action through a variety of sources, including:

- ◆ Reports from concerned citizens;
- ◆ Reports required by law;

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- ◆ Routine inspections of facilities that treat, store, or dispose hazardous wastes; and

- ◆ Visible evidence of contamination.

Once a site has been identified, EPA or State officials conduct a preliminary assessment to determine if the site poses a potential hazard requiring further study. If the site does not present a potential hazard, no further action is taken. However, if the site presents an immediate threat to human health or welfare or the environment, we may use Fund money to take removal action. (See the removal section at the end of this chapter for further information on removal actions.)



If the preliminary assessment shows that a contamination problem may exist but does not pose an immediate health threat (e.g., there is no evidence that an acute exposure is presently occurring), EPA or the State conducts a more extensive study called a site inspection. This inspection involves collection of information about the site, including information on soil composition, rivers or streams on or near the site, the number and location of area residents, local weather conditions, and the owners or operators of the site. Samples can be collected both on and near the site to determine what hazardous substances are on site and whether contamination has migrated (travelled) from the site.

Based on information obtained from the site inspection, EPA uses its Hazard Ranking System (HRS) to determine the potential risks to human health, welfare, and the environment posed by the contaminants found at the site. Using the HRS, we calculate a score for the site that measures the possibility of hazardous substances migrating off site through ground water (subsurface water), surface water, or air, and reaching populated areas. Sites that receive a score of 28.5 or higher (the score increases as the hazards identified at the site increase) are placed on the NPL and become eligible for long-term remedial response under the Superfund program.

The relative ranking of sites on the NPL does not determine the order in which these sites will be cleaned up. Rather, the NPL identifies sites that are eligible for Superfund remedial actions from sites that are not. Priorities are set yearly based on EPA and State priorities and available funds.

Opportunities for Using a Technical Advisor

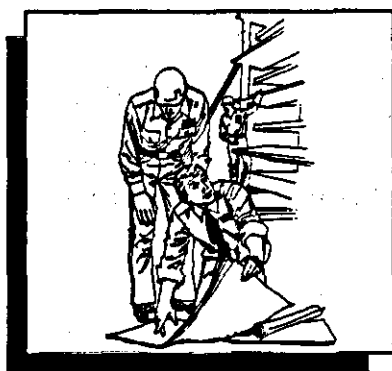
A site becomes eligible for a technical assistance grant if it is on the NPL; proposed sites are eligible only if a response is underway. Grants for technical assistance will be awarded

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of the response action. A technical advisor could be asked to review the PA/SI data that led to the site's listing. Given limited funding and the limited scope of the PA/SI, however, your group may want to consider the usefulness of an advisor's retroactive analysis of the preliminary data produced during the PA/SI. Furthermore, while a technical advisor may review activities and documents undertaken or developed before the RI/FS, this retroactive analysis cannot be used to revive issues and decisions previously made by the Agency regarding the listing of the site.

Remedial Investigation/ Feasibility Study

The Scoping Process and Development of Planning Documents



After a site is proposed for or added to the NPL, a study may be conducted, known as a remedial investigation/feasibility study (RI/FS). The purpose of the RI is to determine the nature and extent of site contamination by conducting field work at the site. This work may include taking air, water, and soil samples. Information collected during the RI then is used in the FS to develop and evaluate remedial alternatives based on effectiveness, implementability, and cost factors.

The RI/FS process is interactive. The process of identifying alternatives and site-specific cleanup standards based on "applicable or relevant and appropriate requirements" (ARARs) of Federal and State laws and regulations may indicate the need for additional remedial investigations. As more information about site characteristics and remedial alternatives becomes available, ARARs can be identified with certainty.

Several planning documents (see Exhibit 2-1) are prepared in conjunction with the RI/FS:

- ◆ The sampling and analysis plan defines the level of effort and specific field activities for an RI, and ensures that RI data are accurate and scientifically and legally defensible. A system of procedures, checks, audits, and corrective actions are used to ensure that field work and laboratory analysis performed during the investigation and cleanup of Superfund sites meet established standards.
- ◆ The health and safety plan (HASP) assesses site hazards and specific procedures to protect workers from these hazards.

- ◆ The community relations plan (CRP) is prepared and put into action for every Superfund response action before RI work at the site begins, regardless of whether the response is being conducted by EPA, another Federal agency, State agency staff, or the responsible parties. A CRP is based on interviews with community residents and officials and describes how EPA, a Federal agency, or the State will:

- Inform the affected community about the site (e.g., through progress reports, site fact sheets); and
- solicit citizen input into response decisions (e.g., during public meetings or informal workshops).

Data Collection and Analysis

Once we have approved the related planning documents, the party conducting the work (e.g., EPA, State, Federal facility, or PRP) begins the data collection and analysis phase of the RI known as site characterization. The primary objectives of this phase are to:

- ◆ Define the nature and extent of contamination, through field sampling and laboratory analysis, for the purposes of determining initial cleanup goals and characterizing waste types, concentrations, and distributions; and
- ◆ Characterize and assess the risks and routes of exposure associated with the contaminants under investigation.

Risk Assessment

A baseline risk assessment is initiated during the RI and consists of an evaluation of the nature and extent of contamination, the potential pathways of human exposure, and a comparison of the contamination levels found at the site that individuals may encounter against the recommended exposure levels for humans. Risk assessments are prepared by scientists from a variety of fields (e.g., toxicology, hydrology, chemistry). The complexity of an assessment depends upon site-specific factors such as the number and type of chemicals present, the number and complexity of exposure pathways, and the availability of appropriate standards and/or toxicity information for the various hazardous substances present.

Remedial Investigation (RI) Report

Following the site characterization studies, an RI report is produced. This summarizes the data collected and conclusions drawn from all investigative sources (e.g., studies of site features, hazardous substances, hydrogeology, surface water, air, wildlife, and public health and environmental impacts).

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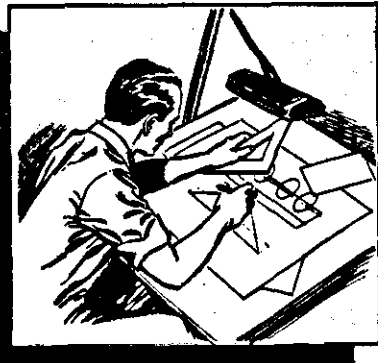
Health Assessment

CERCLA requires the Agency for Toxic Substances and Disease Registry (ATSDR), which is part of the U.S. Department of Health and Human Services, to perform a health assessment for each site on or proposed for the NPL. To the extent possible, this assessment should be completed prior to the completion of the RI/FS at the particular site.

An ATSDR health assessment is a preliminary evaluation of the potential risks to human health posed by an individual site. A multidisciplinary team including physicians, toxicologists, and public health specialists reviews existing environmental sampling data and other site-related information such as the RI report and the risk assessment that are available from EPA. ATSDR conducts a health assessment to assist EPA in determining human health concerns related to a particular site.

The ATSDR health assessment assists EPA or State officials in determining whether immediate action such as provision of an alternate water supply or relocation of residents is necessary to reduce human exposure. We consider the final results or preliminary findings of the ATSDR health assessment when selecting a cleanup remedy to ensure that public health will be protected adequately.

Development of Remedial Alternatives



The feasibility study (FS) process usually begins at the same time as the RI or site characterization. The purpose of the FS process is to develop and assess remedial alternatives. Potential remedies are identified and technologies that are inappropriate for the site are eliminated from further consideration. Combinations of effective technologies make up the various remedial alternatives.

Remedial alternatives then are evaluated on the basis of effectiveness, implementability, and cost. This process reduces the number of alternatives that will be analyzed in detail, while ensuring that a range of options are evaluated. The alternatives that pass this initial screening then are compared against the evaluation criteria listed below to see how well each alternative satisfies the cleanup standards outlined in Section 121 of CERCLA:

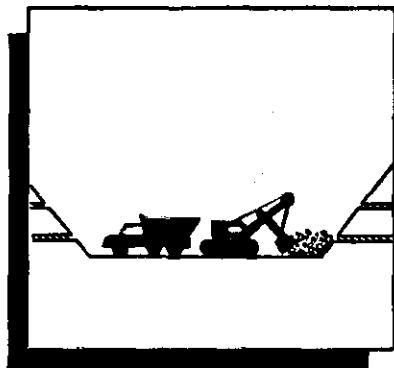
- ◆ Overall protection of human health and the environment;
- ◆ Compliance with ARARs;
- ◆ Long-term effectiveness and permanence

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- ◆ Reduction of the persistence, toxicity, mobility, or volume;
- ◆ Short-term effectiveness;
- ◆ Implementability;
- ◆ Long-term maintenance costs;
- ◆ Potential for future remedial action costs;
- ◆ State acceptance; and
- ◆ Community acceptance.

According to this section of CERCLA, the selected remedy also must meet or exceed the requirements established by ARARs unless one of the following conditions exists:

- ◆ The selected remedy is only part of a total remedial action that will meet the requirements;
- ◆ Compliance with these requirements will result in greater risk to human health and the environment than alternative actions;
- ◆ Compliance with these requirements is technically impracticable from an engineering perspective;
- ◆ The selected remedial action will attain a standard of performance equivalent to these requirements through use of another method or approach;
- ◆ The State has not consistently applied a State standard, requirement, criterion, or limitation at other remedial actions within the State; or
- ◆ Selection of a remedy that attains such levels will not provide a balance between the need for protection of public health and welfare and the environment, and the availability of funds to respond to other sites that present a threat to the public's health or welfare or the environment (this is known as a "fund balancing" waiver).



Feasibility Study (FS) Report and Proposed Plan

With information from the RI/FS, the lead agency or responsible parties under government supervision prepare a draft RI/FS report documenting the development and detailed analysis of remedial action alternatives. The draft RI/FS report, along with the proposed plan, is released for public comment. The proposed plan outlines the alternative that we recommend for addressing site contamination and provides our justification for the choice. The lead agency must notify the public of the availability of the draft RI/FS report and proposed plan. For all remedial actions at NPL site must provide a minimum 21-day public comment

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RI/FS report and proposed plan, and an opportunity for a public meeting.

The Record of Decision

After the public comment period, we select the remedy for the site, taking into account relevant public comments. We then prepare a record of decision (ROD), which summarizes the recommended alternative and the rationale for its selection. The ROD is signed by either the appropriate Regional or Assistant Administrator.

Also after the public comment period, the NCP requires that a responsiveness summary be prepared and submitted as part of the ROD. Through the responsiveness summary, the lead agency summarizes public comments received on the remedial alternatives and responds to significant comments. Under certain circumstances, the ROD may be reopened for public comment.

The public must be informed through a public notice when the lead agency finalizes the ROD for the site. A fact sheet also may be prepared at this time. The final plan must be made available to the public. Documentation supporting all significant administrative decisions is compiled as the administrative record for the site. Members of the public, including technical advisors, may examine the administrative record by visiting the appropriate EPA Regional Office.

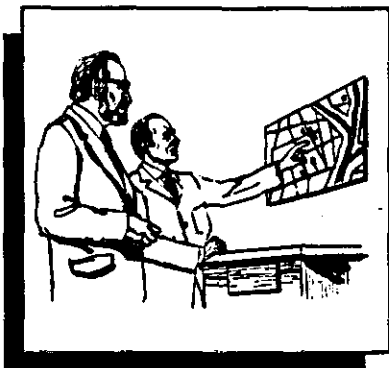
Prior to the design stage in which engineering aspects of the remedial action are resolved, the lead agency must revise the community relations plan to reflect any changes in the concerns or anticipated information needs of the community during design and construction of the site remedy.

Opportunities for Using a Technical Advisor

During the RI/FS phase, a significant number of detailed technical documents are produced. As a consequence, your group may want to focus the technical advisor's efforts on reviewing the documents it considers most critical during this phase. These documents will probably include the RI/FS report.*

*Consistent with a memorandum from the EPA Administrator on the release of draft data and reports (dated October 4, 1984), you should be aware that data from the RI/FS cannot be discussed or released until it has undergone Agency quality assurance and quality control procedures.

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Your group may want its technical advisor to participate in informal meetings with group members prior to the RI/FS to explain to them what is known about the nature of the problems at the site. Your group may ask a technical advisor to participate in public meetings held by the lead agency during the RI/FS to help clarify information about site conditions and how the RI/FS will address these conditions.

Once the RI/FS report is available for public review, your group may ask an advisor to help you interpret the results. If the RI/FS report discusses possible remedial alternatives, the technical advisor may begin reviewing the range of alternatives under consideration.

When the final RI/FS report and proposed plan are released, your group may want your technical advisor to review the report during the public comment period to identify the differences among the remedial alternatives with respect to the groups' preferences. You should be aware that the RI/FS report represents an important point for the lead agency and supporting agency(ies) in the remedial decision-making process and, as a consequence, you may want the technical advisor to focus a major portion of his or her time on this report. The advisor also may be asked to review or assist in preparing your group's public comments on the RI/FS report. In addition, the advisor can aid your group's understanding of the lead and supporting agencies' remedial action decision presented in the record of decision and proposed plan for the site.

Remedial Design

Initiating Design Activities

Following selection of a remedial alternative (unless a no action alternative is selected) and approval of the ROD by EPA, a specific plan or remedial design (RD) must be developed. The purpose of this plan is to explain in technical detail how the remedy will be implemented. As the first step, the lead design party (i.e., EPA, other Federal agency, the State, or a responsible party or parties) issues a statement of work to the design contractor requiring the preparation of final construction plans and specifications to accomplish the remedial action, as defined in the ROD.

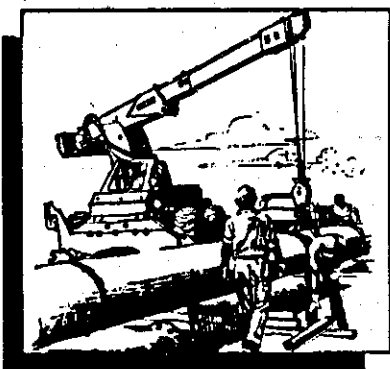
The design of the final remedy often involves multiple reviews by one or more of the government agencies, States, or EPA responsible for overseeing the design contractor's work.

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Opportunities for Using a Technical Advisor

Because the planning and implementation tasks developed during the RD phase are highly technical and specific, you may want to ask the technical advisor to review the remedial design. Your group could have the advisor review the design to ensure that community concerns are addressed.

Remedial Action



Following completion of the design, remedial action (RA) begins. As with other aspects of the remedial process, responsible parties and government agencies other than EPA may be involved in carrying out remedial construction and inspection activities. For example, a responsible party may be given the opportunity to construct the remedial alternative; a State could be responsible for inspecting construction performed by a contractor; or the U.S. Army Corps of Engineers might be involved in both construction and inspection activities at Federal Fund-lead sites or Federal facilities. Regardless of who performs these activities, however, EPA retains final oversight responsibility for the remedial action. To fulfill this responsibility, we require that detailed progress reports be prepared and submitted.

When construction has been completed, a final inspection is conducted. Upon satisfactory completion of the final inspection, the responsible agency prepares a final inspection/certification report. This report should certify that the project is complete and consistent with the contract documents and the EPA-approved remedial action. For a remedial action implemented by a responsible party, the settlement document may specify final inspection or certification conditions that are different from what is discussed here.

Operation and Maintenance

Operation and maintenance (O&M) activities are conducted at a site after a response action is completed to ensure that the cleanup or containment system continues to function properly and continues to protect human health and the environment. The O&M period begins on the date certified in the final inspection/certification report that the project is complete and in accordance with contract documents. At this time, the State or the responsible party assumes O&M responsibility.

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Site Closeout

Upon completion of a remedial action, a final technical report must be prepared for State-lead sites and is recommended for Federal-lead and responsible party-lead sites. This report is used to judge the effectiveness of the remedy and to assess whether criteria for deleting a site from the NPL have been met. The final technical report should document that the remedy is performing adequately.

An EPA Regional Office can recommend delisting of a site from the NPL after completion of a remedial action if one of three criteria specified in the NCP has been met:

- ◆ EPA, in consultation with the State, has determined that responsible parties have completed all appropriate response actions;
- ◆ EPA, in consultation with the State, has determined that all appropriate Fund-financed response actions have been completed and that no further cleanup by responsible parties is appropriate; or
- ◆ Based on the RI, EPA, in consultation with the State, has determined the release poses no significant threat to public health or the environment, and therefore, remedial measures are not appropriate.

A notice of intent to delete is published in the Federal Register describing EPA's deletion criteria. Following a minimum 30-day public comment period, a responsiveness summary that documents comments received on the notice and our responses to the comments must be prepared to support a deletion recommendation. Finally, we publish the notice of deletion (which includes a summary of comments received and our responses) in the Federal Register. The remedial process concludes with the deletion of the site from the NPL.

Opportunities for Using a Technical Advisor

During remedial action, your group may want the technical advisor to visit the site vicinity periodically to observe the progress of construction activities and to provide a technical update to community members. Your group also may want to focus on reviewing the final inspection/certification report and final technical report because any concerns over construction activities must be raised prior to our acceptance of the completed project.

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Removal Actions at Remedial Sites



Removal actions are emergency or short-term responses to threats to public health or welfare or the environment for actual or potential releases of hazardous substances. These actions include a wide variety of activities that range from merely fencing the site to prevent public access to completely removing hazardous substances from the surface. Removal actions may occur at both NPL and non-NPL sites.

Because section 117 of CERCLA provides for technical assistance only for those significant removal actions that occur at NPL sites or proposed NPL sites where technical work is underway, discussion of removal actions is limited to when these actions take place at NPL sites. While removals are underway, there are likely to be few opportunities for public involvement because of the emergency nature of most removal actions. There are, however, some occasions where a technical advisor may be useful to groups.

Opportunities for Using a Technical Advisor

Your group may want the technical advisor to review public documents generated during the removal process. These documents include the site assessment sampling data, engineering evaluation/cost analysis (EE/CA) for non-time critical removals, an action memorandum, and an On-Scene Coordinator's after action report.* An EE/CA is a summary of detailed analyses of possible removal action alternatives and is used to prepare the action memo in those cases where the site response is non-time critical. There is a minimum 21-day public comment period for the EE/CA. The action memorandum is the decision document in which the time and cost of a removal action are estimated for a specific site and the proposed response activities are described. Upon completing the removal action, the On-Scene Coordinator prepares an after action report detailing the removal action.

*The On-Scene Coordinator is the official who coordinates and directs Superfund removal actions.

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Summary

For each task indicated in Part IV, Section II (Scope of Services) of the grant application, you will need to estimate the amount of review time to be allotted to the technical advisor. This chapter was prepared to assist you in determining appropriate tasks for the technical advisor by providing you with a general understanding of the Superfund process. We encourage you, however, to discuss with your TAG Project Officer projected tasks and how they may be affected by site-specific circumstances.

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Exhibit 2-1

Summary of Public Documents Prepared During the Remedial Process

Technical Phase: Site Activity	Document	Purpose of Document
REMEDIAL INVESTIGATION/ FEASIBILITY STUDY (RI/FS):		
<ul style="list-style-type: none"> Beginning of RI 	RI/FS Work Plan	Describes the projected scope, schedule, and budget for the RI/FS. This plan is usually developed within five months from the time money is obligated.
	Sampling and Analysis Plan	Defines level of effort and specific field activities for the RI, and ensures accuracy of RI data, particularly with respect to scientific and legal defensibility.
	Health and Safety Plan	Assesses site hazards and procedures for worker protection from these hazards.
	Community Relations Plan (CRP)	Details how the lead agency will elicit citizen input into response decisions and inform the affected community of site activities.
<ul style="list-style-type: none"> Completion of RI 	RI Report	Summarizes data collected and conclusions drawn from all investigative sources. Includes information gathered during site characterization regarding contamination and public health and environmental impacts.
<ul style="list-style-type: none"> During RI/FS 	Health Assessment	Presents results of Agency of Toxic Substances and Disease Registry (ATSDR) health assessment, along with the Administrator of ATSDR's recommendations for further action.
<ul style="list-style-type: none"> FS 	Summary Report	Summarizes information gathered during detailed analysis of remedial alternatives. Highlights differences among alternatives to assist the decision-making process.

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Exhibit 2-1 (continued)

Summary of Public Documents Prepared During the Remedial Process

Technical Phase: Site Activity	Document	Purpose of Document
<ul style="list-style-type: none"> Completion of FS 	FS Report	Documents the remedial process from screening of remedial action technologies to selection of a recommended alternative. Includes a risk assessment, or equivalent. Final report includes responsiveness summary (see below).
<ul style="list-style-type: none"> Conclusion of RI/FS 	Proposed Plan	Identifies the lead and support agency and the preferred alternative. Provides a rationale for that initial decision. Proposed Plan and FS draft reports are submitted for public comment.
	Record of Decision (ROD)	Summarizes the recommended remedial alternative and the rationale for its selection. Identifies and discusses all significant changes. Includes a responsiveness summary which addresses public comments on the remedial alternatives as outlined in the draft FS report.
REMEDIAL DESIGN:		
<ul style="list-style-type: none"> Initiating Design Activities 	Explanation of Significant Differences*	Identifies and provides the reasons for a remedial action, enforcement action, or consent decree which differs significantly from the ROD.
<ul style="list-style-type: none"> Design Development 	Final Design	Includes final design plans and specifications, final construction cost estimate, final operation and maintenance plan, site safety plan specifications, and final quality assurance program plan (QAPP).
	Statement of Work	Outlines submission requirements for design contractor to provide the final document package, which shall include all the required plans and specifications to accomplish the remedial alternative as defined in the ROD.

* The Explanation of Significant Differences can be issued any time after final adoption of the

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Exhibit 2-1 (continued)

Summary of Public Documents Prepared During the Remedial Process

Technical Phase: Site Activity	Document	Purpose of Document
REMEDIAL DESIGN (continued):		
	Revised Community Relations Plan	Reflects changes in level of concern or information needs of the community since development of the original CRP.
REMEDIAL ACTION:		
<ul style="list-style-type: none"> Monitoring and Oversight Construction 	Progress Reports	Submitted by the lead party for remedial action on a monthly or quarterly basis, reports are used by EPA to monitor remedial construction activities. Provide chronological record of activities including work accomplishment, status of fund, or changes in contract.
<ul style="list-style-type: none"> Final Inspection 	Final Inspection/Certification Report	Prepared upon satisfactory completion of final inspection, report certifies project is complete and consistent with both contract documents and the EPA-approved remedial action.
<ul style="list-style-type: none"> Site Closeout 	Final Technical Report	Required for State-lead sites and recommended for Federal-lead and responsible party sites. Documents: (1) project completion consistent with contract documents, and (2) adequate performance of remedy.
REMOVAL (DURING REMEDIAL PROCESS):		
<ul style="list-style-type: none"> Removal Action 	Preliminary Assessment Data	Includes sampling results from preliminary studies of the site.
	Engineering Evaluation/Cost Analysis	Provides analyses of removal alternatives and used to prepare the Action Memo at sites where the site response is non-time critical.
	Action Memo	Estimates the cost and time for the removal.

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CHAPTER 3

REQUIREMENTS OF THE TECHNICAL ASSISTANCE GRANT PROGRAM*

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EPA is authorized by CERCLA, to make technical assistance grants available "... to any group of individuals which may be affected by a release or threatened release at any facility which is listed on the National Priorities List ..." "Affected groups" are those groups of individuals who can demonstrate direct ties to the site (e.g., individuals who are directly threatened by the site from a health, economic, or environmental standpoint). In addition to eligibility criteria, we will use pre-established criteria to evaluate your group's financial and management capabilities and the degree of responsibility in making a grant award. Financial and eligibility requirements are specified in the IFR. This chapter describes these requirements by explaining:

- ◆ Qualifications your group must have to be eligible to receive a grant;
- ◆ Activities that are suited for technical assistance; and
- ◆ Financial requirements applicable to the grant.

Applicant Qualifications

This section reviews the criteria by which we will evaluate the qualifications of your group if you decide to apply for a technical assistance grant. The categories used to determine your qualifications are:

- ◆ Group eligibility;
- ◆ Responsibility requirements; and
- ◆ Evaluation criteria.

*Numbers that appear in bold in the left margin throughout this manual give the citation of relevant regulatory provisions. These regulatory provisions include EPA grant regulations (40 CFR Part 30) EPA procurement regulations (40 CFR Part 33), and the Interim Final Rule for the Technical Assistance Grant Program (40 CFR Part 35). For example, the citation §30.306 refers to 40 CFR Part 30, section 306, "General Regulations for Assistance Programs." Not all relevant regulatory provisions have been highlighted in this manner; therefore, you must refer to actual regulatory language. Reprints of 40 CFR Parts 30 and 33 appear in Appendix D of this manual.

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You will provide this information in Part IV, Section I of the grant application form. Instructions for completing Part IV are contained in Chapter 4 of this manual. In addition, Appendix A presents a hypothetical example of a completed Part IV.

Group Eligibility

35.4025 As an applicant, you are eligible to receive a technical assistance grant if you are a group of individuals that may be affected by a release or a threatened release of a hazardous substance at any facility that is (1) listed on the National Priorities List (NPL) under the National Contingency Plan or (2) proposed for listing and a response action has begun.

35.4030 You are *ineligible* for a technical assistance grant if you are among the groups or organizations listed below:

- ◆ Individuals or companies (such as owners, operators, transporters, or generators) potentially responsible for the contamination problems at a site (known as potentially responsible parties or PRPs);
- ◆ Corporations that are not incorporated for the specific purpose of representing affected individuals at the site;
- ◆ Academic institutions;
- ◆ Political subdivisions (e.g., townships and municipalities); and
- ◆ Groups established and/or sustained by governmental entities (including emergency planning committees and some citizen advisory groups).



Some groups, such as citizens' groups that have been chartered by a government entity, are ineligible to receive a grant. However, a citizen advisory committee established initially by citizens and later recognized as an official community group by a government entity may be eligible. Your group may use funds from State or other political subdivisions provided that these funds are not used by such a political entity to control your group's activities. In such instances, we will determine eligibility on a case-by-case basis. Finally, while individuals functioning as representatives of ineligible groups cannot be members of eligible groups, individuals who act solely in the capacity of an "affected" individual can.

After reading your narrative statement in Part IV of the grant application (see Exhibit 4-1 and Appendix A), we will use the lines to determine whether you are eligible to receive a technical assistance grant. If we determine that you are eligible, the review will proceed to the next level of review. If not, your application will be rejected.

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Responsibility Requirements

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If you are eligible to receive a technical assistance grant, you must demonstrate your ability to adequately manage the grant by detailing your administrative and management capabilities in a narrative statement under Part IV of the grant application (see Exhibit 4-1 and Appendix A). We will evaluate this statement, in addition to other relevant parts of your application, to determine how well you meet the responsibility requirements. These requirements include financial

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resources, ability to meet project deadlines, accounting and auditing procedures, and willingness to comply with the civil rights and equal employment acts. In general, you must demonstrate that your group has established, or has plans for establishing, reliable procedures for recordkeeping and financial accountability related to the management of the grant (e.g., that you have established a separate bank account for the management of the grant funds, have sound plans for fulfilling the reporting requirements, and have provided any other pertinent information showing your group's commitment to establishing effective accounting procedures for managing the grant). (See Chapter 6 for a discussion of management of grant funds.) While it is unnecessary to submit documentation of the steps your group has taken to meet these responsibility requirements at the time you submit your completed application, you must be able to provide such documentation in the event of an audit.



As the last step in assessing your group's administrative and management capabilities, we will consider the organizational structure of your group. According to the IFR, in order to receive a grant you must be incorporated as a non-profit organization for the purpose of addressing the Superfund site for which the grant is provided. This non-profit corporation must include all the individuals and groups that joined in applying for the grant.

In some situations, the pre-existing incorporated status of a citizens' group will fulfill the eligibility requirements of the Technical Assistance Grant Program. For example, a local environmental group specifically formed for the purpose of overseeing the site cleanup whose membership includes all the "affected" individuals in the community would not need to re-incorporate. Another situation might exist where such an incorporated non-profit organization consolidates with other citizens who are not members of its organization. As long as all the non-member citizens who are interested in applying for a grant join the non-profit organization, the group is not required to re-incorporate for the purposes of the Technical Assistance Grant Program. On the other hand, such a group may decide that it is in its best interest to incorporate specifically for the purposes of obtaining and managing a technical assistance grant.

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In most cases, you will find it necessary or practical to incorporate specifically for the Technical Assistance Grant Program. The obvious case includes a situation where individual citizens have consolidated recently as an applicant group. In this case, as well as in cases where several pre-existing, incorporated non-profit groups consolidate to form one applicant group, it is practical and necessary for the applicant groups to incorporate as a coalition seeking a technical assistance grant.

Incorporation protects the individual members of your group from potentially serious personal liability problems that could result if the grant were awarded to a group or organization that was not incorporated. The structure created by incorporation also reduces or eliminates problems that might otherwise arise from the departure of an individual from your group.

You may meet the incorporation requirement by stating that your group, if not incorporated, has plans for incorporating if it is awarded a grant. Once your group is awarded a grant, you must affirm that your group has filed the necessary papers for incorporation with the State. We encourage you to complete the incorporation process between the time that the grant is awarded and when you sign the grant agreement. However, on or before the first request for reimbursement, you must submit to us documentation, such as a letter from the State that your group has been incorporated officially by the State. Without such documentation, your grant could be annulled. (General information concerning a State's laws of incorporation may be obtained from a State governor's office, a private lawyer, or a local legal services agency. Specific questions concerning the effect of incorporation on taxes can be answered by the U.S. Internal Revenue Service or State tax offices. The local public library often is an excellent source of information on this subject.)

After assessing your administrative and management capabilities, we will evaluate the balance of your application. Your group cannot receive a grant if we determine that the group does not satisfy the minimum responsibility requirements. However, we will review and score all applications using the evaluation criteria discussed below.

Evaluation Criteria

- 35.4035** To ensure that grants are awarded to applicants most directly affected by the site, we have developed a process to evaluate the strengths and weaknesses of each application. Because only one grant may be awarded for any eligible site, we also must be able to rank each application relative to other applications. We will use five criteria in evaluating applications. Each criterion is assigned a weight that reflects its relative importance. The

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application satisfies each criterion will be assigned a score ranging from zero (not addressed or totally deficient) to four (excellent). After evaluating the individual criteria, the scores will be multiplied by the assigned weight and the subtotals will be added to determine the total score for your application. The maximum score that your application can receive is 400 points (5 criteria which total 100 points x a perfect score of 4 on each criterion = 400 total points).

In general, each criterion will be evaluated according to the scoring plan outlined below:

Value	Description
0	Not addressed or totally deficient
1	Poor
2	Fair
3	Good
4	Excellent

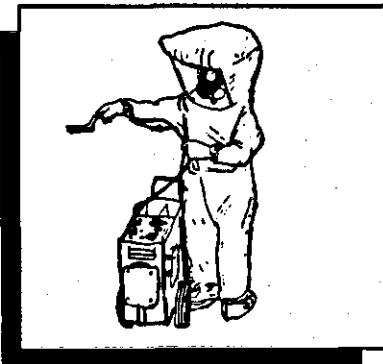
We will review applications based on the following criteria:

(1) The presence of an actual or potential health threat posed to group members by the site. (30 points) To help ensure that groups receiving grants are those most directly affected by a site, you must include a narrative statement of no more than one page describing:

- ◆ The actual or potential health threats posed to group members by the site;
- ◆ The number of group members facing such threats; and
- ◆ Where appropriate, any past actions taken by group members to resolve or to make known their health concerns (e.g., letters to local, State, or Federal officials, petitions for health assessments, etc.).

You will not be required to submit documentation for our review (although you may be required to supply it later if an audit is initiated); a discussion of these activities as part of the narrative will be sufficient.

You may meet this criterion by establishing that group members are subject to demonstrable health threats, whether actual or potential, or to a threat that group members reasonably believe to be substantial. Ordinarily, an applicant claiming the presence of a demonstrable health threat will score higher than one whose claims are based solely on a potential threat. However, your ability to provide documentation of health problems related to the



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prevent you from receiving a grant, provided the other criteria are met.

(2) The applicant best represents groups and individuals affected by the site. (20 points) You must document in no more than one page the extent to which your group represents affected groups and/or individuals in the community and explain how you plan to involve other affected community groups or individuals who express an interest in joining the coalition after the award of the grant. This information will ensure that the group receiving the grant best represents the greatest number and diversity of affected organizations and individuals within a community (e.g., site neighborhood groups, community groups, local chapters of national or State public interest groups, local health awareness groups, nearby property owners, etc.).

Additionally, where appropriate, you may discuss, as part of the narrative, past activities (e.g., letters, attendance at meetings, conferences, hearings, etc.) conducted by your group, or by individual group members, directly related to the site for which you are applying for a grant. Broad representation, the intent and the ability to involve other affected groups and/or individuals in the community, and a history of involvement may be awarded a high score, while very narrow representation, the inability or unwillingness to involve others, and/or no history of involvement may receive a low score.

(3) The identification of how the group plans to use the services of a technical advisor throughout the Superfund response action, which includes all activities from preliminary planning and investigation through operation and maintenance. (20 points) You must identify in no more than one page how your group intends to use grant funds. You also must submit the schedule for having the technical advisor complete certain tasks. This information will ensure that a technical assistance grant goes to the community group that is in greatest need of the services of a technical advisor and will use grant funds most effectively to assist citizens in understanding the Superfund cleanup process.

If you establish that technical assistance is needed to interpret information throughout the Superfund cleanup process, and your group has plans to use the funds effectively and efficiently to accomplish the intent of the technical assistance grant, your application would be awarded a high score. Conversely, if you are unable to identify a significant or substantial need, or show that your group will use grant funds effectively and efficiently, you would receive a low score.

(4) The demonstrated intention and ability of the group to use the information provided by the technical

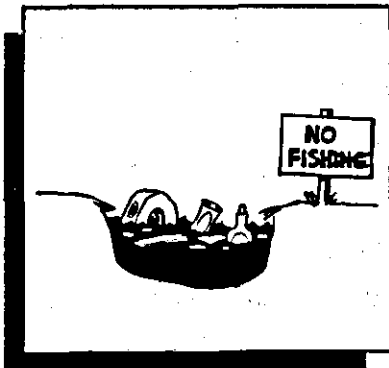


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advisor. (20 points) You must describe or outline the activities your group plans to use to inform other interested community groups and individuals of the technical advisor's findings or interpretations of technical documents. This information will ensure that a technical assistance grant goes to the community group that will disseminate the information most effectively to the broader community.

We will evaluate your group according to your ability and willingness to disseminate information provided by the technical advisor to the broader community. A plan which indicates an inadequate method for disseminating the information would be given a low score, while one indicating a clear plan for disseminating information to the broader community would be awarded a high score.

(5) The presence of an actual or potential economic threat or threat of impaired use or enjoyment of the environment to group members that is caused by the site. (10 points) You must include a statement of no more than one page describing the presence of an actual or potential economic threat posed to group members by the site (e.g., decrease in property value or diminished economic use of the property, such as farming, or recreational use). If appropriate, you also should include a discussion of how conditions at the site have adversely affected their use or enjoyment of the surrounding environment (e.g., aesthetic or recreational value). In addition, you must include the number of group members affected and a discussion of the actions taken by group members to resolve or to make known their economic and/or environmental concerns (e.g., through letters to local, State, or Federal officials, meetings with real estate agents, etc.). This information will ensure that the group receiving a grant is most directly affected by a site.



You may meet this criterion by establishing that group members are subject to:

- ◆ A demonstrable economic threat;
- ◆ Impairment of the group's use and enjoyment of the environment, whether actual or potential; or
- ◆ A threat that is reasonably believed to be substantial.

Not all economic or environmental concerns will be assigned equal value. Thus, for example, an applicant claiming the presence of a demonstrable economic or environmental threat ordinarily will receive a higher score than one whose claims are based solely on a potential threat. Your inability to provide documentation of economic or environmental problems related to the site will not necessarily prevent you from receiving a grant, provided other criteria are met.

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Activities Suited for Technical Assistance

The intent of the Technical Assistance Grant Program is to enhance citizen understanding of and involvement in overall site activities and decision-making during the Superfund cleanup process. This section describes both eligible and ineligible activities. Questions concerning activities suitable for technical assistance should be directed to the appropriate EPA Regional contact for the site.

Eligible Activities

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Technical assistance grant funds may be used for a variety of activities. The purpose of the grant is to assist citizens' groups in obtaining technical assistance in interpreting site-related documents and other activities that would contribute to the public's understanding of overall site conditions and activities. Grants are not intended to fund ancillary activities by the grant recipient, such as travel and administrative costs, which detract from or limit the grant recipient's ability to pay for skilled technical advisors. Examples of activities suitable for technical advisors include:

- ◆ Reviewing and interpreting site-related documents, whether produced by EPA or others;
- ◆ Meeting with the recipient group to explain technical information;
- ◆ Providing assistance to the recipient group in communicating the group's site-related concerns;
- ◆ Disseminating interpretations of technical information to the community;
- ◆ Participating in site visits, when possible, to gain a better understanding of cleanup activities; and
- ◆ Traveling to meetings, hearings, etc., directly related to the situation at the site.



Because the IFR requires that all grant recipients be incorporated, EPA has determined that when a recipient group has incorporated for the sole purpose of receiving a technical assistance grant, necessary and reasonable costs of incorporation will be considered an eligible pre-award cost and may be charged to the grant or counted toward the matching funds requirement which is discussed later in this chapter.

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Ineligible Activities

35.4055 The legislative history of CERCLA section 117(e) provides that technical assistance grants "are not intended to be used to underwrite legal actions. However, any information developed through grant assistance may be used in any legal action affecting the facility, including any legal action in a court of law." (H. Rpt. No. 99-962, 99th Cong., 2d Sess. (1986), p.231). Thus, grant funds may not be used to pay for attorney's fees or to pay for the time that the technical advisor may spend assisting an attorney in preparing a legal action (e.g., citizen suit) or for serving or preparing to serve as an expert witness at any legal proceeding (public meetings held by EPA or a State are not considered legal proceedings). Moreover, grant funds may not be used to prepare for, or participate in, any legal proceeding. For example, an attorney's costs for locating, interviewing, or preparing a witness to testify, or the time that any witness spends preparing for any such legal proceeding, may not be paid for with grant funds.

These prohibitions on the use of grant funds, however, do not preclude a technical advisor from *participating* in a legal proceeding so long as none of the costs of such participation are charged to the grant. A technical advisor may serve as an expert witness on behalf of the citizens' group, for example, or testify in an action brought by a potentially responsible party in challenging the record so long as he or she is not paid with grant funds. In essence, the costs of a technical advisor in these situations should be borne by the party who seeks such legal services.

Other ineligible activities include the following:

- ◆ Activities inconsistent with the cost principles stated in the Office of Management and Budget (OMB) Circular A-122 including lobbying and related activities;
- ◆ Tuition or other expenses for recipient group members or technical advisors to attend training, seminars, or courses;
- ◆ Any activities or expenditures for recipient group members' travel;
- ◆ Generation of new primary data such as well drilling and testing (including split sampling);
- ◆ Challenging final EPA decisions (e.g., records of decision); and
- ◆ Underwriting disputes with EPA.

As stated above, costs associated with political and lobbying activities are not allowable based on OMB Circular A-122. Briefly summarized, this means you cannot use grant funds to participate in, or to

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attempt to influence the outcome of, any election. Similarly, you may not use grant funds to influence the introduction, enactment, or modification of any legislation. These activities include participation of the general public in demonstrations. Lobbying also includes legislative liaison activities, such as attendance at legislative hearings or sessions, and gathering information regarding legislation. Similarly, grant funds may not be associated with any partisan or non-partisan political activity.

Selected portions of OMB Circular A-122, which discuss these prohibitions in greater detail, are provided in Appendix D and are summarized below:

- ◆ No part of any technical assistance grant can be used to finance, directly or indirectly, any activity to influence the outcome of any election, or any voter participation or registration activity or to associate the technical assistance grant with any partisan or non-partisan political activity;
- ◆ No technical assistance grant project may use grant funds, or employ a technical advisor, to support or identify the project with (a) any political activity associated with a candidate, or (b) any services related to voter registration or polling activity; and
- ◆ No technical advisor funded by a grant may take any action, when serving in such capacity, with respect to a political activity that could result in identification or apparent identification of the technical assistance grant with such political activity.

Financial Requirements

35.4080 After evaluating the applications of citizens' groups interested in receiving a technical assistance grant, EPA may choose to award a grant to the group that is most directly affected by the site and *meets the minimum eligibility and responsibility requirements*. Only one grant may be awarded at each Superfund site and all grants are subject to certain financial requirements. These requirements include:

- ◆ Recipient groups must contribute 35 percent of the total project costs;
- ◆ Administrative costs may not exceed 15 percent of the total cost of the technical assistance grant project; and
- ◆ Grant awards may not exceed \$50,000 for a single site.

These requirements are discussed in the sections below.

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The Thirty-Five Percent Matching Funds Requirement



In order for your group to be awarded a technical assistance grant, you must provide 35 percent of the total costs of the technical assistance project. For example, if your total project costs are \$30,000, then your group must provide at least \$10,500 to "match" EPA's grant of \$19,500. Other Federal funds cannot be used to meet this requirement unless statutorily specified. However, you may use cash and/or in-kind contributions to meet the 35 percent matching funds requirement. The table below shows how the financial requirements break down for various levels of project funds:

Federal Grant Funding Level	35% of the Total Project	Total Project Funds
\$10,000	\$ 5,385	\$15,385
\$15,000	\$ 8,077	\$23,077
\$20,000	\$10,769	\$30,769
\$30,000	\$16,154	\$46,154
\$40,000	\$21,538	\$61,538
\$50,000 (maximum)	\$26,923	\$76,923

While you are not required to have the matching funds in hand at the time of application, you must, at a minimum, have a plan for raising the funds. Your group is required to maintain the minimum 35 percent "match" throughout each budget period and each time you file a reimbursement request. If your group provides more than a 35 percent "match" in any one period, the extra amount can be applied to the next reimbursement request.

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In-Kind Contributions

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In-kind contributions represent your non-cash contributions to the grant. They reduce the need to raise money to meet the 35 percent matching funds requirement. In-kind contributions may be provided by you and non-Federal third parties including States, local governments, and private citizens. In-kind contributions include:

- ◆ Volunteer services (the volunteer must be qualified in the skill or profession and must actually perform the specified work);
- ◆ Non-expendable personal property, such as word processor, or copier, and use of office space;
- ◆ Expendable personal property, such as office supplies; and

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- ◆ Other costs that are allowable and related to the grant, such as telephone calls, postage, and xeroxing.

Exhibit 3-1 gives examples of allowable in-kind services.

Claiming In-Kind Services

All in-kind contributions must be a necessary and integral part of the project, and must be documented and verifiable from your records. All costs must be allowable under the grant and under the Federal cost principles. For example, you cannot claim costs to lobby or to develop primary data, since both of these costs are ineligible activities under this program.



Rates for volunteer services must be consistent with rates the group would have to pay to have the work done by a qualified contractor, and must be valued at the employee's regular rate of pay. Rates must not include fringe benefits, overhead, or profit. Volunteers may claim each hour of volunteer service that is necessary and integral to the project, but they must maintain timesheets in order to claim the costs.

The value of nonexpendable personal property (such as an adding machine or typewriter) may be counted as an in-kind contribution, but it must not exceed the fair market value of comparable equipment or property of the same age and condition. Only that portion of the property's use directly attributable to the technical assistance grant project counts as an in-kind contribution. For example, if the item's use is limited to one month during the year, its value as an in-kind contribution is calculated as 1/12 of its annual value. The calculated worth of donated space, such as an office for the technical advisor, may be considered an in-kind contribution, but it must not exceed the fair rental value of comparable space in a privately-owned building in the same locality. If the donated space is used for purposes other than the technical assistance grant project, only the portion associated with the technical assistance grant project may count as an in-kind contribution. For example, if one quarter of the office is assigned as work space for the technical advisor, then only one quarter of the rent can be counted as an in-kind contribution.

Administrative Costs

Costs of administering the technical assistance grant are allowable to the extent that they do not exceed 15 percent of the total project costs. Therefore, in-kind contributions that are administrative in nature may not exceed 15 percent of the total project costs. Administrative costs are costs, whether cash or in-kind, which do not directly contribute to the purpose of the grant. (Th

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Exhibit 3-1

Examples of In-kind Contributions

(indicates administrative activities)*

Volunteer Services

- * A bookkeeper's maintenance of the group's financial records and preparation of required financial reports.
- * An auditor's review of the group's financial records.
- * A lawyer's aid in drafting a subagreement for the technical advisor.
- * A project manager's oversight of the technical advisor's subagreement.
- A newsletter editor's efforts to prepare and distribute information to the community.
- A university professor's review of site-related documents.

Non-Expendable Property

- * Word processor.
- * Typewriter.
- * Copier.
- * Office space.

Expendable Property

- * Office supplies.

Other Costs

- * Telephone calls.
- * Publication of a public notice seeking qualified advisors.
- * Incorporation filing fees.
- Postage and printing of newsletters.
- Copies of project documents.
- Fees for public meeting facilities.

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grant is to encourage informed public involvement in cleanup activities at NPL sites and further public participation in the Superfund process.) Administrative costs include:

- ◆ Telephone charges;
- ◆ Copying expenses;
- ◆ Preparation of Financial Status and Progress Reports;
- ◆ Audits;
- ◆ Preparation of incorporation documents;
- ◆ Procurement-related activities, such as publishing a request for proposals or overseeing the technical advisor; and
- ◆ Legal reviews of the technical advisor's subagreement.

Costs such as preparing and distributing a newsletter on site activities to the community, conducting public meetings to distribute the technical advisor's findings, and reviewing the technical advisor's reports as well as other site-related documents are costs that directly contribute to the purpose of the grant and are *not* administrative costs. Therefore, these types of costs are not subject to the 15 percent limitation and may make up the remaining 20 percent of your match.

Documentation

You must *carefully document* -- with receipts, timesheets, and memoranda -- the basis for the value you assign to in-kind contributions of personal services, equipment, and office space. This documentation must be kept in your group's project file and provided to us upon request or during an audit.

Waivers of the Matching Funds Requirement

35.4085 EPA may waive the matching funds requirement in certain instances. Because in-kind contributions can be counted toward the 35 percent "match," waivers will be granted only in exceptional cases. A waiver must be requested in writing and should be requested only if it becomes apparent that your group cannot meet the matching funds requirement. All or part of your 35 percent "match" may be waived only after we determine that: (1) your group needs a waiver because providing the full "match" would constitute an unusual financial hardship as demonstrated by such measures as below average per capita income, below average median household income, or a high unemployment rate in your area; (2) your group's good faith effort at raising the "match" or obtaining in-kind services has failed; and (3) the waiver is necessary to facilitate public participation in the selection of a remedial action at the facility.

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If your group is awarded a grant and subsequently receives a waiver that reduces or eliminates your contribution, the total resources available for technical assistance will be less than the amount specified in the grant agreement. Because this constitutes a substantial change in the technical assistance grant project, the grant agreement must be amended as required by 40 CFR Part 30, Subpart G. If a waiver and the grant are awarded at the same time, the grant agreement would specify the actual amount of resources to be provided by us and by you; therefore, no amendment would be needed.

CERCLA section 117(e)(2) specifically provides that the President may waive the matching funds requirement if the grant recipient demonstrates financial need and such waiver is necessary to facilitate public participation in the selection of a remedial action at the facility. Congress has determined that no waivers can be granted after EPA has selected the remedial action at the facility (e.g., the issuance of the record of decision (ROD)). Therefore, no waiver will be approved if you request it once the ROD has been issued at the last operable unit at the site. (An "operable unit" is a term that refers to an action taken as one part of an overall site cleanup. A number of operable units may occur in the course of a site cleanup.) As a result, you will have to contribute 35 percent of the project costs for technical assistance services during the remedial design, construction, and operation and maintenance phases if you fail to request a waiver before the ROD has been issued at the last operable unit for the site.

The \$50,000 Grant Limit

35.4065 Grants for technical assistance are limited to a maximum of \$50,000 in Federal funds (\$50,000 of Federal funds represents 65 percent of the total project funds -- or \$76,923 -- which would require a 35 percent "match" of \$26,923 from the grant recipient in cash or in-kind contributions) for technical assistance support over the life of the Superfund response at the site. We believe that, with careful planning and reasonable management, at every NPL site \$76,923 will be sufficient to provide meaningful technical assistance.

Waivers of the \$50,000 Grant Limit

In view of the finite resources available for the Superfund program, we have determined that waivers of the \$50,000 limit at the time the awards are made are appropriate only where a single grant is addressing multiple NPL sites. Thus, where there are several NPL sites in close proximity to each other and an affected group desires to reduce its administrative burden by submitting one application and

awarding one set of contracts to a technical advisor for all of these sites, we will consider awarding a single technical assistance grant for a sum not exceeding the maximum allowable amount for each of the individual sites involved (e.g., 3 sites x \$50,000= grant of \$150,000).*

In this case, we may waive the limitation that no grant recipient may receive more than \$50,000. The recipient, however, must provide the 35 percent "match" and is still limited to spending no more than \$50,000 of Federal grant funds at any one of the sites covered in the multi-site grant. In addition, a group applying for a multi-site grant must include in their application site-specific information for each site involved, which means Part IV of the application must include separate budgets and separate narratives pertaining to each site in their multi-site application.

There may be cases where we receive a competing application that pertains to only one of the multiple sites as well as a multi-site application. In such cases, we will review separately the portion of the multi-site application that pertains to the site for which the competing application is requesting a technical assistance grant. This is the same procedure we would use if there were two competing applications at the same site.

The Agency has determined that no other waivers to the \$50,000 grant limit will be granted during the period of the IFR. We believe we will need to develop some experience with the Technical Assistance Grant Program in order to determine whether there are circumstances in which it is appropriate to grant waivers. Grant recipients are required to plan and manage grant funds to last throughout the cleanup process so waivers will not be needed.



Close proximity can mean:

- The sites are geographically near one another
- The sites impact the same aquifer or watershed
- The local citizens' groups that coalesce to get involvement with all the sites.

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CHAPTER 4

GRANT APPLICATION AND AWARD PROCESS

This chapter discusses the application process for a technical assistance grant, under EPA administration of the program, up to the point when a grant is awarded to a group. Chapters 5 and 6 of this manual describe how to hire and manage a technical advisor under a Federally-funded contract, or "subagreement." The discussion of the grant application and award process is organized under the following sections:

- ◆ The Grant Application Process;
- ◆ The Grant Award Process; and
- ◆ The Continuation Application.

The Grant Application Process

Award Timing and Prioritization

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35.4050



Only one technical assistance grant will be awarded per Superfund site and an award of a grant will be made no earlier than the start of the response action. Grant awards will depend on the availability of funds within the Superfund program. When funds are limited, we will set priorities among sites where grants will be awarded. Factors we may use to rank the sites include, but are not limited to:

- ◆ The risk to citizens' health or welfare presented by the site;
- ◆ The site's stage in the Superfund cleanup process;
- ◆ The history of public involvement at the site; and
- ◆ The environmental threat presented by the site.

For example, we may give priority consideration to funding a grant at a site where a community already has been required to use bottled water or where residents have been relocated temporarily, the RI/FS is beginning, there is a history of community concern, and the site work is technically complex and is divided into numerous operable units.

AR500078

There are other criteria that could be considered in setting priorities among sites for a technical assistance grant award when funds are limited, such as the grant applicant's financial need. Elements that could be considered in calculating financial need include below average per capita income, a high unemployment rate in the area, and below average median household income.

Filling a Letter of Intent

EPA may receive multiple applications for grant awards at a single site, yet -- as stated above -- by law may award only one grant per Superfund site. To minimize the occasions for which we must choose among competing applications, groups are encouraged to consolidate and submit a single application. We have designed the application evaluation process to favor consolidated groups in order to provide technical assistance to the greatest possible number of affected individuals in a community.

35.4040

If you wish to apply for a technical assistance grant, you must first submit to us a letter of intent. A sample letter of intent appears in Exhibit 4-1. The purpose of the letter of intent is to advise us of your group's interest in applying for a technical assistance grant and to trigger a formal process for notifying other interested parties that an application soon will be filed. Normally, we will respond in writing to a letter of intent within 30 days. If a group has submitted a formal grant application but has not submitted a letter of intent, we will consider the application as a letter of intent.



After the first letter of intent is received, we will undertake certain activities depending on the schedule for the response action at the site. If the remedial investigation (RI) or a removal action is not underway or scheduled to begin for several years, we will advise your group in writing that, while your letter will be retained and you will be notified at the appropriate time, grant applications will not be accepted at this time. We may informally notify other groups interested in applying for a technical assistance grant that a letter of intent has been received.

If a response action is already underway or scheduled to begin, we will conduct one or more of the following activities -- mailings, meetings, or public notices -- to provide formal notice to other interested parties that a grant for the site soon may be awarded. While no scheduled or actual site work will be delayed or interrupted, we will make every effort to initiate these activities far enough in advance of the start of the response action to allow time for groups to consolidate, apply for and receive a grant award, and procure a technical advisor before work commences at the site.

1500079

Exhibit 4-1

Sample Letter Of Intent*

Woodtown Landfill Coalition
Main Street
Woodtown, CT 06898

May 3, 1989

TAG Project Officer
Waste Division
U.S. Environmental Protection Agency
Region 1
John F. Kennedy Federal Building
Boston, MA 02203

Dear Sir/Madam:

This letter has been prepared by the Woodtown Landfill Coalition to announce this group's intention to apply for a technical assistance grant. The coalition, which is comprised of the Woodtown Citizens Task Force and the Smithtown Outing Club, plans to use any awarded grant funds for obtaining assistance in interpreting technical information generated during the Superfund cleanup process at the Woodtown Landfill site in Litchfield County, Connecticut. Please send an application and other relevant materials to the Woodtown Landfill Coalition in care of Pat Jones at the address listed above. The group hopes to file its application in July 1989.

Sincerely,
Pat Jones, Executive Director
Woodtown Landfill Coalition

AR500080

Once EPA receives a letter of intent and begins the formal notification process described above, other potential applicants will have 30 days to contact the original applicant to form a coalition and submit one application. If you are unable to form a coalition, you must notify us within this 30-day period. Separate applications from all interested groups then will be accepted for an additional 30-day period.

We may consider written requests for an extension of this time. These written requests should contain an explanation of why your group needs additional time and how much time you believe is necessary for proper completion of the application. We will examine such requests and inform you in writing as to whether an extension will be granted and the length of the extension. In the event of delays in the technical assistance grant application process, however, response activities at a site will remain on schedule.

Applying for a Technical Assistance Grant

To obtain a grant, you must submit to us a completed application, which includes information necessary to determine whether your group meets the eligibility requirements for the Technical Assistance Grant Program. The application also serves as the basis for a "contract" under which your group agrees to abide by all relevant EPA regulations.

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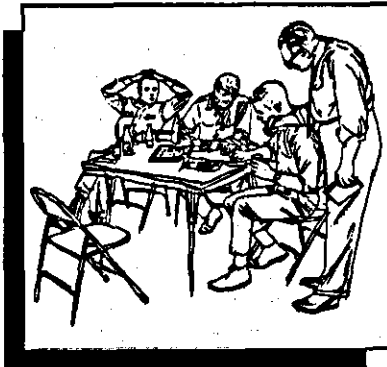
In brief, the technical assistance grant application process requires you to complete the grant application form, including the part of the application which describes applicant qualifications, the projected tasks, schedule, and the budget for technical assistance activities (known as Part IV). You also must complete a certification form agreeing to comply with relevant EPA requirements. A complete application package, then, consists of the following elements:

- ◆ EPA Form 5700-33, "State and Local Nonconstruction Programs," the grant application form; and
- ◆ EPA Form 5700-48, "Procurement System Certification."

Copies of these and other forms to be completed by grant applicants and recipients are included in Appendix B. These forms must be completed to satisfy EPA grant regulations under 40 CFR Part 30 and EPA procurement regulations under 40 CFR Part 33. You must have a clear understanding of these regulations and how they pertain to the Technical Assistance Grant Program. The submission of a grant application is your assurance that your group is able and willing to meet the requirements of the program and be legally bound by them.

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Completing Part IV of the Grant Application

35.4035

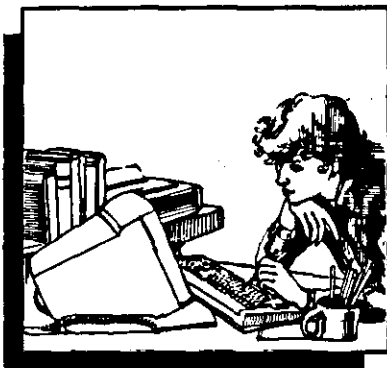
The initial technical assistance grant award covers up to a three-year budget period. The length of the project period encompasses the expected duration of the response action taken at a hazardous waste site, which typically may range from three to seven years. (You should check with EPA Regional staff for information about the planned schedule for site activities.) Information contained in your grant application must cover the entire project period. The budget must not exceed the total project costs for the project period and we will obligate funds for up to three years at a time. When a project period extends beyond the budget period, you must submit a continuation application to us prior to the expiration of the initial budget period, requesting funds to continue the project for another budget period.

At least one copy of the completed application must have the original signature (i.e., not a photocopy of the signature) of your group's project manager — the person authorized to obligate your group to the terms of EPA's regulations. Finally, in addition to the information required to fill out an application, you should be aware of two other considerations regarding applications:

- ◆ **Confidentiality of Data** - Generally, the information supplied by groups is not considered confidential. When we receive a grant application, the information you supply becomes part of the Agency's records and as such is subject to public release under the Freedom of Information Act (5 U.S.C. 552).
- ◆ **Deviations** - EPA can, on a case-by-case basis, consider exceptions to non-statutory requirements. Either groups or an EPA program office may request deviations from the regulatory requirements. While we may approve a deviation on a grant application, that approval does not guarantee approval of the grant. You may seek a deviation from established grant regulations, not just during the application process, but at any time during the life of the grant. Groups seeking a deviation must follow the procedures specified in 40 CFR 30.1001-30.1005. If you need to request a deviation, you should consult the appropriate EPA Regional contact listed in Appendix C for more detailed information.

The first portion of the grant application that should be completed by your group is Part IV. Part IV is a narrative statement that describes your group and the project your group is proposing for funding. In Part IV, you must specify in as much detail as possible your group's qualifications and the projected tasks, schedule, and budget for technical assistance activities at the site for which the grant is being requested. This information will help us d

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your group is eligible to receive a grant (see Chapter 3). In this part, you should describe your group's needs for technical assistance and explain how the proposed program will enhance your group's ability to interpret site information.

Part IV consists of two sections. The first section, "Qualifications of the Applicant," is used by us to obtain information about your group's eligibility, characteristics, and plans for using grant funds. Exhibit 4-2 provides instructions for how to prepare this section.

The second section of Part IV is the "Scope of Services." In the Scope of Services, your group describes how a grant award would be used with respect to Superfund technical milestones (e.g., review of the RI Report). Exhibit 4-2 also provides instructions for preparing the Scope of Services. In addition, a sample Part IV for a hypothetical site is provided in Appendix A of this manual.

To help determine projected tasks for your advisor and a tentative schedule in preparing the Scope of Services, you are encouraged to review Chapter 2 of this manual for a discussion of the Superfund process and the role of technical advisors. For each task indicated in the Scope of Services, you will need to estimate the amount of review time to be allotted to your technical advisor. Exhibit 4-3 provides an example, based on Agency experience, of the amount of time a technical advisor might spend on various review activities during a remedial response. You may wish to use this chart as a guide in apportioning your technical advisor's time among activities. Specific activities, however, may require more or less time depending on site-specific circumstances.

35.4080

As discussed in the previous chapter, technical assistance grant recipients are required to contribute 35 percent of the total project costs or request a waiver based on financial need. In the Scope of Services, you must indicate the amount that your group will contribute in each budget period and the total contribution over the entire project period.

Prospective applicants should contact EPA Regional staff for information about the planned schedule for site activities, and for information that will help you organize the advisor's activities in the Scope of Services. You should be aware, however, that site activity schedules are subject to change.

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Exhibit 4-2

**Instructions for Completing Part IV of the
Technical Assistance Grant Application**

Category	Instructions
PART IV, Section I: Qualifications of the Applicant	
A. Group Eligibility	<p>Prepare a brief statement, not to exceed one page, that describes the composition of the group and responds to the following questions:</p> <ul style="list-style-type: none">• Is the group part of any of the following organizations?<ul style="list-style-type: none">-- Potentially responsible parties;-- Corporations that are not incorporated for the specific purpose of representing affected individuals;-- Academic institutions;-- Political subdivisions (e.g., townships and municipalities); or-- Groups established and/or sustained by a State or local government.• How many members are in the group and what is its composition (e.g., is the group a coalition of several groups, how did they form)?
B. Responsibility Requirements	<p>Prepare brief statements that respond to each of the responsibility requirements outlined below.</p> <ul style="list-style-type: none">(i) <u>Administrative and Management Capabilities</u>: Describe the group's organizational structure including which officers or members will be responsible for financial oversight of the grant and directing the technical advisor.(ii) <u>Resources for Project Completion</u>: Describe the resources that are available to the group to complete the technical assistance grant project, including any plans the group has for fundraising, and obtaining cash and in-kind contributions.

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Exhibit 4-2 (cont'd)

Instructions for Completing Part IV of the Technical Assistance Grant Application

Category	Instructions
	<p>(iii) <u>Performance Record</u>: Describes the group's record for satisfactorily completing projects and subagreements. [The description, budget, and schedule provided in Part IV, Section II (Scope Of Services) of the application will be evaluated for groups having no previous experience completing projects and subagreements.]</p> <p>(iv) <u>Accounting and Auditing Procedures</u>: Describe the procedures the group will use for recordkeeping and financial accountability related to the grant, and specify which member will maintain the group's financial records.</p> <p>(v) <u>Procurement Standards</u>: [By submitting EPA Form 5700-48, "Procurement System Certification," the group is agreeing to comply with 40 CFR Part 33 and, by doing so, complies with this requirement.]</p> <p>(vi) <u>Property Management</u>: If the group plans to acquire property with grant funds, describe the group's property management system.</p> <p>(vii) <u>Compliance with Civil Rights Requirements</u>: State whether the group is willing to comply with the applicable civil rights, equal employment opportunity, labor law, and other statutory requirements outlined in 40 CFR Part 30, Subpart F.</p> <p>(viii) <u>Incorporation</u>: State whether the group is incorporated. If not, outline what activities are underway to ensure that the group will incorporate.</p>
C. Group Issues and Objectives	<p>Prepare statements that pertain to the group's attributes and goals by responding to the questions/instructions presented under each subcategory. The statements for each of the following subcategories should be no more than one page in length. Each statement will be scored from 0 to 4 according to the scoring plan described in Chapter 3 of this manual.</p>

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Exhibit 4-2 (cont'd)

**Instructions for Completing Part IV of the
Technical Assistance Grant Application**

Category

Instructions

- (i) Health Considerations (30 points): Describe the actual or potential health threats posed to individual group members by the site.
 - How many group members are/have been affected?
 - What efforts have group members undertaken to resolve or make known these health concerns?
- (ii) Consolidation/Representation (20 points): Describe the number and diversity of affected community organizations and individuals represented by the applicant group.
 - In what ways does the group represent affected citizens in the community in which the site is located?
 - Groups may provide a chronology that describes the group's historical involvement in past ties at the site.*
- (iii) Tasks for Technical Advisors (20 points): Describe how the group intends to use grant funds with the assistance of a technical advisor to interpret Superfund technical materials.
- (iv) Information Sharing (20 points): How does the group intend to disseminate information collected as a result of the grant award to the larger, site community?
- (v) Economic/Environmental Considerations (10 points): Describe the actual or potential economic harm or loss of environmental amenities posed to individual group members by the site.
 - How many group members are/have been affected?
 - What efforts have group members undertaken to resolve or make known these concerns?

* Applicants should cite any available documents (such as letters, meeting agendas, news reports, etc.), but will not be required to submit documentation for review by EPA. Applicants may be required, however, to supply any cited documentation later if the Agency conducts a pre-award review or an audit.

AR500086

Exhibit 4-2 (cont'd)

**Instructions for Completing Part IV of the
Technical Assistance Grant Application**

Category	Instructions
PART IV, Section II: Scope of Services for Technical Assistance	
A. Statement of Work	<p>Describe the technical advisor's tasks for each phase of the Superfund process, as appropriate, including:</p> <ul style="list-style-type: none">-- pre-remedial investigation;-- remedial investigation (RI);-- feasibility study (FS);-- remedial design (RD); and-- remedial action (RA). <p>For each of these milestones, respond to the following:</p> <ul style="list-style-type: none">-- What will the technical advisor do?-- How long will each task take to complete?-- What specific documents, reports, or other tangible work products (e.g., status reports, technical summaries) will the technical advisor be asked to produce?
B. Budget Estimate	<p>Prepare a budget for the technical assistance project.</p> <ul style="list-style-type: none">-- Indicate the tasks to be completed by the technical advisor and the cost (including the number of hours) for each task, as well as travel costs.-- Include explanations of the cost items and assumptions made in the form of footnotes to the budget (e.g., hourly rate of advisor, any adjustments for inflation).

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Exhibit 4-2 (cont'd)

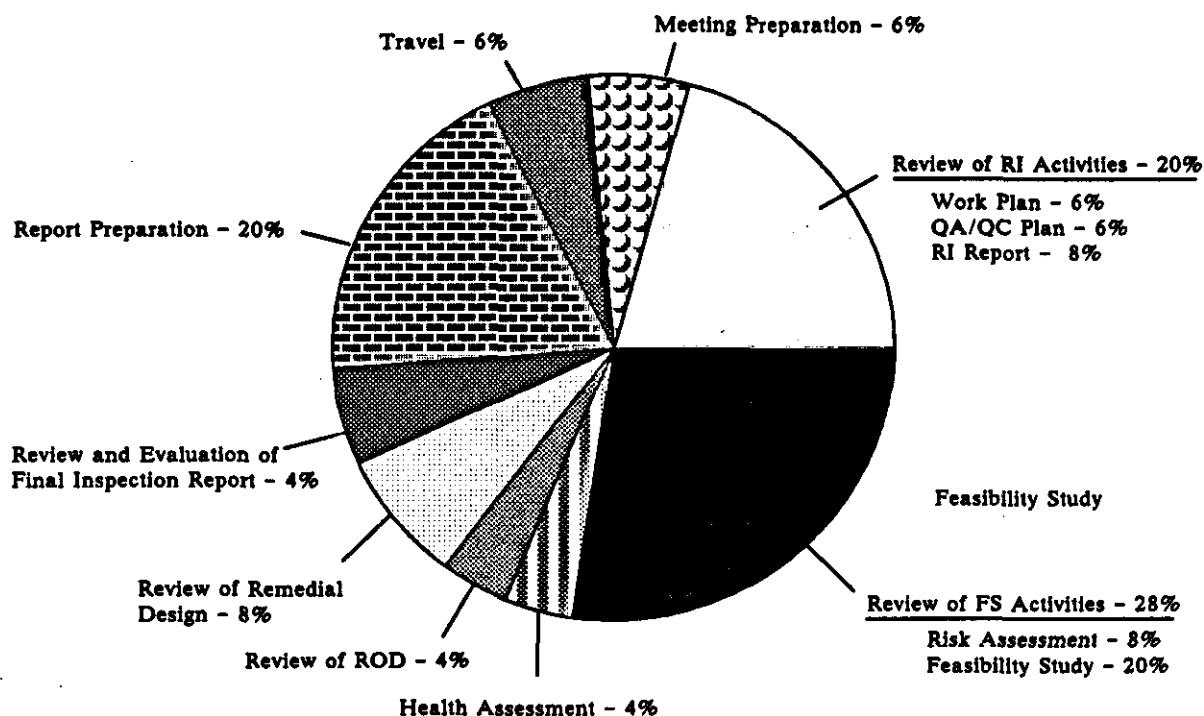
**Instructions for Completing Part IV of the
Technical Assistance Grant Application**

Category	Instructions
C. Matching Contribution Statement	<p>Prepare a statement that details the amount of the Federal grant and the group's matching contribution separately, organized by budget period. Note that grant funds (65%) plus group contribution (35%) must equal the total project costs; grant funds cannot exceed 65 percent of project costs for any budget period.</p> <ul style="list-style-type: none">-- Differentiate cash from in-kind (donated) contributions.-- Include explanations of the assumptions made in calculating the value of in-kind contributions.

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Exhibit 4-3

Example of Technical Assistance
Hours Distributed by Activities*



Review Item	Hours	Percent of Total Hours
RI Activities		
Work Plan	40	6%
Quality Assurance/ Quality Control (QA/QC) Plan ...	40	6%
RI Report	60	8%
FS Activities		
Risk Assessment	60	8%
Feasibility Study	140	20%
Health Assessment	26	4%
Review of ROD	26	4%
Remedial Design	60	8%
Review and Evaluation of Final Inspection Report	26	4%
Report Preparation	140	20%
Travel	40	6%
Meeting Preparation	40	6%
Total	698	100%

* This chart adapts EPA review experience to activities allowed by the Technical Assistance Grant Program. We encourage you to review Chapter 2 of this manual for an overview of the Superfund process.

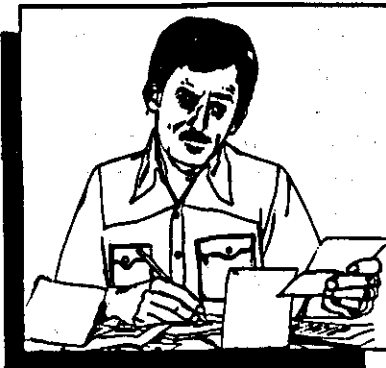
AR500089

Completing the Remainder of the Grant Application Form

Once Part IV of the grant application has been completed, you should have all the information necessary to complete the remainder of the application form. The twelve-page application form, "State and Local Nonconstruction Programs," EPA Form 5700-33, consists of five parts:

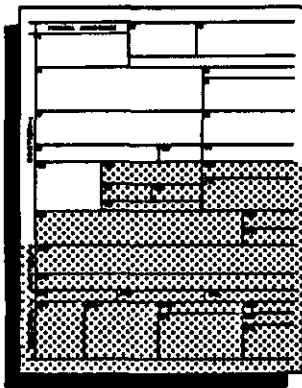
- I. General Information, Signature, and Certification;
- II. Project Approval Information;
- III. Budget Information;
- IV. Project Narrative Statement (Applicant Qualifications and the Scope of Services); and
- V. Assurances.

You must read all instructions contained in Form 5700-33 (see Appendix B for a copy of the blank form), but should note that some items on the application are not relevant to this grant program.



To aid you in completing the grant application, detailed step-by-step instructions -- specific to the Technical Assistance Grant Program -- have been included. These instructions are designed to guide you through all twelve pages of Form 5700-33. Representative pages of the application in miniature form illustrate the section of the form that the instructions refer to. Enlarged "completed" portions of the application also are included with numbered pointers that refer to the numbered instructions in the text. The information that appears in these "completed" portions represents data from a fictitious applicant group and is provided solely as an example of a properly completed form. You should note that the following instructions are provided only as guidance and do not replace the actual instructions on Form 5700-33.

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Instructions For Completing The Grant Application

Part 1, Page 1, Section 1 – Applicant Procedures

Item	Response
1. Type of Submission	Check the box labelled "Application".
2. Applicant's Application Identifier	
a. Number	Leave blank.
b. Date	Write the current date.
3. State Application Identifier	
a, b.	Leave blank.
4. Legal Applicant/Recipient	List the name of the applicant's/recipient's Project Manager (i.e., the name of the officer of your incorporated group authorized to obligate the group to the conditions of the grant agreement/application), the name and address of your group, and the name and telephone number of a contact person who would be able to supply additional information if necessary.
5. Employer Identification Number	If your group has employees, you must provide your employer identification number. If your group has employees but does not have an employer identification number, you must file form SS-4 with the IRS to obtain one, otherwise, write "None."
6. Program	
a. Number	Enter the Catalog of Federal Domestic Assistance Number (#66.807) for the Technical Assistance Grant Program.
b. Title	Write in "Superfund Technical Assistance Grant."
7. Title of Applicant's Project	Write "Technical Assistance at _____ site." (insert the name of the Superfund site for which the grant will be used).

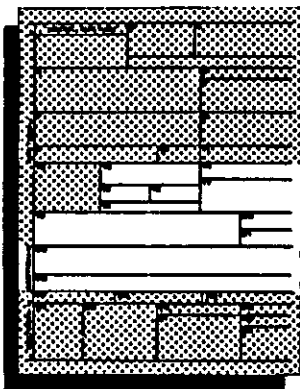
AR500091

OMB App. Form No. 0348-0008

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION IDENTIFIER		3. STATE APPLICATION IDENTIFIER	
1. TYPE OF SUBMISSION (Mark appropriate box) <input type="checkbox"/> NOTICE OF INTENT (OPTIONAL) <input type="checkbox"/> PREAPPLICATION <input checked="" type="checkbox"/> APPLICATION		4. NUMBER		5. DATE Year month day 10 89 7 10	
6. LEGAL APPLICANT/RECIPIENT a. Applicant Name: Pat Jones b. Organization Unit: Woodtown Landfill Coalition c. Street/P.O. Box: Main Street d. City: Woodtown e. State: CT f. County: Litchfield g. ZIP Code: 06898 h. Contact Person (Name & Telephone No.): Pat Jones (203) 888-8888		7. EMPLOYER IDENTIFICATION NUMBER (EIN) None		8. PRO-GRAM a. NUMBER: 661807 b. TITLE: Superfund Tech. Asst. c. TYPE OF APPLICANT/RECIPIENT: <input type="checkbox"/> Individual <input type="checkbox"/> Non-Profit Citizen Organization <input type="checkbox"/> Other (Specify) Enter appropriate letter K	
9. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project) Technical Assistance at the Woodtown Landfill Site		10. AREA OF PROJECT IMPACT (Name of cities, towns, etc.) Smithtown, Woodtown, Litchfield, CT		11. ESTIMATED NUMBER OF PERSONS BENEFITTING 7,000	
12. PROPOSED FUNDING		13. TYPE OF ASSISTANCE		14. TYPE OF APPLICATION	
a. FEDERAL \$ 20,437 .00 b. APPLICANT 11,010 .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. Total \$ 31,447 .00		15. TYPE OF ASSISTANCE a. Basic Grant b. Other (Specify) Enter appropriate letter A		16. TYPE OF APPLICATION a. Basic Grant b. Other (Specify) Enter appropriate letter A	

Item	Response
8. Type of Applicant/Recipient	Write "K" for Other, and specify Non-Profit Citizen Organization.
9. Area of Project Impact	List the municipality(ies) and county(ies) adjacent to, encompassing, and affected by, the site.
10. Estimated Number of Persons Benefitting	Enter the number of persons directly affected by the site. This number can be obtained from the site's National Priorities List description, which an EPA contact can provide (see Appendix C).
11. Type of Assistance	Write "A" for Basic Grant.
12. Proposed Funding	Enter the appropriate amount of funds that will be needed for the first budget period, as indicated in the Scope of Services. (A group must submit a continuation application to EPA to request funding for each subsequent budget period. EPA will not provide more than \$50,000 for any site for the life of the cleanup.) The amount in line "a," EPA's proposed funding, cannot be more than 65 percent of the amount in line "f," the total funding.

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Instructions For Completing The Grant Application

Part 1, Page 1, Section I

Item	Response
13. Congressional Districts of: a. <i>Applicant</i> b. <i>Project</i>	<p>Write the district number and State abbreviation of the member of Congress who represents the area where the offices of the incorporated group are located. (This information is available from your local library or League of Women Voters.)</p> <p>Write the district number and State abbreviation of the member of Congress who represents the area that encompasses the site. (This information is available from your local library or League of Women Voters.)</p>
14. Type of Application	Write the appropriate letter in the box (such as "A" for new or "B" for a continuation application).
15. Project Start Date	Estimate the date of funding approval (usually this will occur 4 to 9 weeks after filing a completed application with EPA) or when you wish to begin receiving funds, whichever date is later.
16. Project Duration	Estimate (in months) the length of the project period -- the project duration based on the current site phase and EPA's estimate of the length of site response action.
17. Type of Change	Not applicable for the initial submission of an application; enter "E" for a continuation application.
18. Date Due to Federal Agency	Leave blank.
19. Federal Agency to Receive Request	List the address of the appropriate EPA Regional Office (see Appendix C of this manual for addresses).
20. Existing Federal Grant Identification Number	Write "NA" for initial application; for all continuation applications, enter the EPA Assistance Identification Number assigned to the grant.

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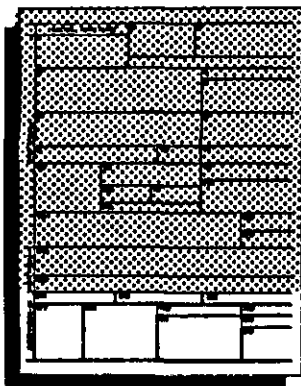
The form is a 'Notice of Intent/Preliminary Application' for a Technical Assistance Grant. It includes fields for applicant information, project details, and certification. Numbered callouts point to the following fields:

- 13: 1. OFFICIAL USE ONLY
- 14: 14. TYPE OF APPLICATION
- 15: 13. CONGRESSIONAL DISTRICTS OF:
- 16: 6. APPLICANT
- 17: 17. TYPE OF CHANGE (If 14 or 15)
- 18: 15. PROJECT START DATE
- 19: 19. FEDERAL AGENCY TO RECEIVE REQUEST
- 20: 20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER
- 21: 21. REMARKS ADDED
- 22: 22. THE APPLICANT CERTIFIES THAT:
- 23: 23. CERTIFYING REPRESENTATIVE

Instructions For Completing The Grant Application Part 1, Page 1, Section I & Section II

Item	Response
21. Remarks Added	If using Section IV (Remarks) to amplify any other information contained in the grant application, check yes. It is important not to confuse this section of the application with Part IV of the application which will be used to gather additional information on the applicant group.
22. The Applicant Certifies that:	This program may be subject to Intergovernmental review. If it is, write the date and that the application has been made available to the appropriate State contact (see Appendix C for a list of State Intergovernmental review contacts). If not, check the second box under b.
23. Certifying Representative	The applicant's/recipient's Project Manager (the officer authorized to obligate your group to the conditions of the grant agreement/application) must sign this item. [Note: If violation of EPA regulations pertaining to grants or procurement occurs, the applicant group may be liable.]

AR500094



Instructions For Completing The Grant Application

Part 1, Page 1, Section III - Federal Agency Actions
(This section is processed by EPA.)

Item

Response

24-33.

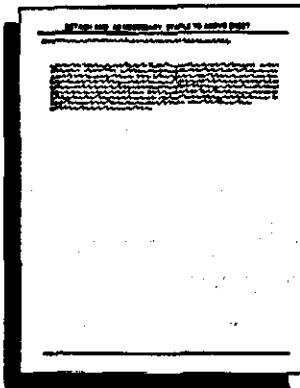
Leave blank. This section is filled out by EPA to notify the applicant of the action to be taken on the grant application.

SECTION III - FEDERAL AGENCY ACTIONS		SECTION IV - FEDERAL AGENCY ACTIONS	
24. APPLICATION RECEIVED 10 Year month day		25. FEDERAL APPLICATION IDENTIFICATION NUMBER	
26. ACTION TAKEN		27. ACTION DATED 10 Year month day	
<input type="checkbox"/> 26.1. APPROVED <input type="checkbox"/> 26.2. REJECTED <input type="checkbox"/> 26.3. RETURNED FOR AMENDMENT <input type="checkbox"/> 26.4. RETURNED FOR E.O. 12872 SUBMISSION BY APPLICANT TO STATE <input type="checkbox"/> 26.5. DEFERRED <input type="checkbox"/> 26.6. WITHDRAWN		28. FUNDING a. FEDERAL \$.00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$.00	
		29. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)	
		30. STARTING DATE 10 Year month day	
		31. ENDING DATE 10 Year month day	
		32. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No	

EPA Form 5700-33 (Rev. 11-86) Previous editions are obsolete.

STANDARD FORM 484 PAGE 1 (Rev. 4-84)
Printed by GPO Circular 4-163

AR500095



Instructions For Completing The Grant Application

Part 1, Page 2, Section IV

Section IV, "Remarks," is used to provide a one or two sentence summary description of the project. Additionally, this section is used by the grant applicant to amplify information in Sections I and II. The grant applicant should reference the proper item number; for example, Section I, #7. It is important not to confuse this section of the application with Part IV of the application, which will be used to gather additional information about the applicant group.

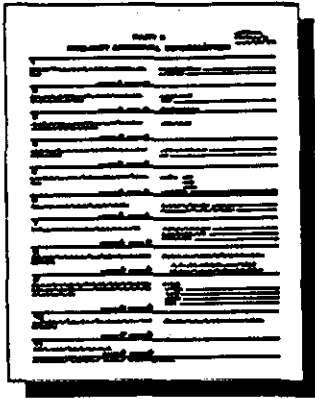
DETACH AND, AS NECESSARY, STAPLE TO ABOVE SHEET.

SECTION IV--REMARKS (Please reference the proper item number from Sections I, II or III, if applicable)

Part 1, Section I, #7

The Woodtown Landfill Coalition is seeking funds to obtain a technical advisor to provide assistance in the review and analysis of remedial activities at the Woodtown Landfill Superfund site. The technical advisor will assist Coalition members in interpreting documents generated throughout the Superfund process at the Woodtown Landfill site.

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Instructions For Completing The Grant Application

Part II, Page 5 - Project Approval Information

Item	Response
Items 1, 2, 4, 5	Check no to each item.
3. Does this assistance request require clearinghouse review in accordance with E.O. 12372?	Check yes. You will have to submit your grant application to the appropriate State contact person (see Appendix C) for intergovernmental review.
6. Will the assistance request serve a Federal installation?	Check yes if the NPL site is a federally-owned facility. This information can be provided by the appropriate EPA Regional contact listed in Appendix C.
7. Will the assistance requested be on Federal land or installation?	Site-specific; provide information on the site if it is a Federal facility.
8. Will the assistance requested have an impact or effect on the environment?	Check "Yes", and write "this assistance is intended to facilitate site response actions."
9. Has the project for which assistance is requested caused, since January 1, 1971, or will it cause, the displacement of any individual, family, business, or farm?	Check no. The technical assistance grant project will not displace an individual, family, business, or farm.
10. Is there other related assistance on this project previous, pending, or anticipated?	Fill in if you are receiving technical assistance funds from another Federal agency. [Generally, no citizens' group applicant will have received funds from another Federal agency for the purpose of technical assistance at the Superfund site in question.]
11. Is project in a Designated Flood Hazard Area?	Site-specific; consult the appropriate EPA Regional contact listed in Appendix C.

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OMB No. 2030-0020
Approval expires 7-31-89

PART II
PROJECT APPROVAL INFORMATION

1	Item 1. Does this assistance request State, local, regional, or other priority rating? _____ Yes <u> X </u> No	Name of Governing Body _____ Priority Rating _____
2	Item 2. Does this assistance request require State or local advisory, educational, or health clearances? _____ Yes <u> X </u> No	Name of Agency or Board _____ (Attach Documentation)
3	Item 3. Does this assistance request require clearinghouse review in accordance with Executive Order 12372? <u> X </u> Yes _____ No	(Attach Comments)
4	Item 4. Does this assistance request require State, local, regional or other planning approval? _____ Yes <u> X </u> No	Name of Approving Agency _____ Date _____
5	Item 5. Is the proposed project covered by an approved comprehensive plan? _____ Yes <u> X </u> No	Check one: State <input type="checkbox"/> Local <input type="checkbox"/> Regional <input type="checkbox"/> Location of Plan _____
6	Item 6. Will the assistance requested serve a Federal installation? _____ Yes <u> X </u> No	Name of Federal Installation _____ Federal Population Benefiting from Project _____
7	Item 7. Will the assistance requested be on Federal land or installation? _____ Yes <u> X </u> No	Name of Federal Installation _____ Location of Federal Land _____ Percent of Project _____
8	Item 8. Will the assistance requested have an impact or effect on the environment? <u> X </u> Yes _____ No	See instructions for additional information to be provided. This assistance is intended to facilitate site response actions.
9	Item 9. Has the project for which assistance is requested caused, since January 1, 1971, or will it cause, the displacement of any individual, family, business, or farm? _____ Yes <u> X </u> No	Number of: Individuals _____ Families _____ Businesses _____ Farms _____
10	Item 10. Is there other related assistance on this project previous, pending, or anticipated? _____ Yes <u> X </u> No	See instructions for additional information to be provided.
11	Item 11. Is project in a Designated Flood Hazard Area? _____ Yes <u> X </u> No	

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AR500098

Instructions For Completing The Grant Application

Part III - Budget Information
Part III, Page 7, Section A - Budget Summary

All budget details presented in this part must be consistent with the information provided in Part IV, Section II, Scope of Services.

Item	Response
1. Grant Program, Function, or Activity	
a. <i>Function or Activity</i>	Enter "Technical Assistance Grant."
b. <i>Federal Catalog No.</i>	Enter the Federal catalog number established for this assistance program (#66.807).
c.-d. <i>Estimated Unobligated Funds</i>	Leave blank in the initial application. For a continuation application, enter the total amount of funds of the initial Federal share of the grant that remains to be spent in column (c), and the total remaining amount of non-Federal funds and the value of all in-kind contributions in column (d).
e. <i>Federal Budget</i>	Enter the amount of the request for Federal funding for the first budget period of the project. This number must correspond with the figure entered in Part I, item 12, line a.
f. <i>Non-Federal Budget</i>	Enter the amount of non-Federal funds and the value of all in-kind contributions that will be contributed by the applicant group during the first budget period of project funding. This figure must correspond to the total of the amounts entered in Part I, item 12, lines (b), (c), (d), and (e). All applicants are required to meet the 35 percent contribution level or obtain a waiver of this condition.
g. <i>Total Budget</i>	Add the sum of entries (e) and (f) and write in the total.
5. Totals	Enter the amounts corresponding to line (1) above.

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Instructions For Completing The Grant Application

Part III, Page 7, Section B, Schedule A - Budget Categories

Item	Response
(Section B, Schedule A)	
6. Grant Program Function or Activity	In column (1) enter "Technical Assistance Grant."
a.-h.	If a group contracts for a package of services with technical advisors, all costs covered under the contract are reported in line (f), including wages, travel, etc. Other costs, including those covered by in-kind contributions, go into the appropriate categories.
i.	Add the amounts in lines (a) through (h) and enter the sum on line (i); this amount must equal the figure in section A, line (1), column (9).
j.	Not applicable (leave blank).
k.	Enter the amount from line (i) above.
7. Program Income	This line must be zero. Technical assistance grant applicants may not earn income from their assistance program funds.

Form Approved
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Revised 10/80

PART III - BUDGET INFORMATION

SECTION A - BUDGET SUMMARY

GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	FEDERAL CATALOG NO. (2)	ESTIMATED UNOBLIGATED FUNDS		NEW OR REVISED BUDGET		
		FEDERAL (3)	NON-FEDERAL (4)	FEDERAL (5)	NON-FEDERAL (6)	TOTAL (7)
1. Tech. Assistance Grant	66-807	\$	\$	\$ 20,437	11,010	\$ 31,447
2.						
3.						
4.						
5. TOTALS		\$	\$	\$ 20,437	11,010	\$ 31,447

SECTION B - BUDGET A - BUDGET CATEGORIES

6. Other line categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				TOTAL (8)
	1. Tech. Assistance	2.	3.	4.	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Construction	20,437				20,437
g. Other	11,010				11,010
h. Total direct charges	31,447				31,447
i. Indirect charges					
j. TOTALS	\$ 31,447	\$	\$	\$	\$
k. Program Income	\$ 0	\$	\$	\$	\$

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AR500100

Instructions For Completing The Grant Application

Part III, Page 8, Section B, Schedule B - Budget Categories

Item

Response

(Section B, Schedule B)

6. Program Elements

Write "Technical Assistance at (insert the name of the Superfund site)" on line (a) under Program Elements. On line (a) columns (1)-(3), enter the figures entered in Section A columns (a), (e), (f), and (g), respectively. In column (4), estimate the number of person-years to be worked on this project during this budget period -- i.e., divide the number of hours the technical advisor is expected to work during the budget period by 2080 (the number of hours per year, paid or contributed).

i. Total Program Elements

Enter the figures from line (a) in their corresponding columns.

j. State Total

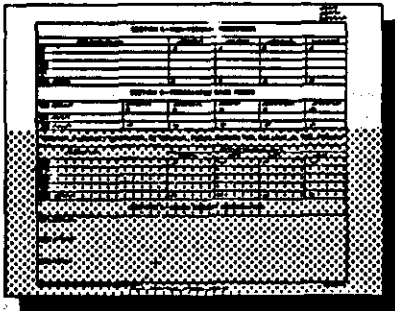
Leave blank, unless the State is contributing to the project.

6

SECTION B - SCHEDULE B - BUDGET CATEGORIES				
6. Program Elements	FUNDING			(4) MAN- YEARS
	(1) FEDERAL	(2) NON-FEDERAL	(3) TOTAL	
a. Tech. Assistance at	\$ 20,437	\$ 11,010	\$ 31,447	1/8
b. Woodtown Landfill Site				
c.				
d.				
e.				
f.				
g.				
h.				
i. Total Program Elements	\$ 20,437	\$ 11,010	\$ 31,447	
j. STATE TOTAL	\$	\$	\$	

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AR500101



Instructions For Completing The Grant Application

Part III, Page 9, Section C - Non-Federal Resources
and Section D - Forecasted Cash Needs

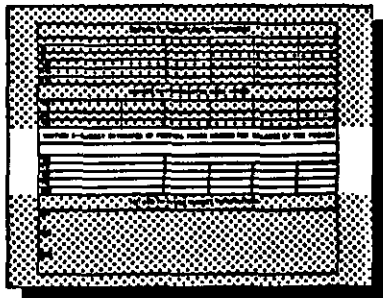
Item	Response
8. Grant Program	Write "Technical Assistance Grant" and insert name of the site in column (a). The contributions made by the applicant are entered in column (b), State contributions in column (c), and contributions from other sources in column (d). In column (e), enter the sum of columns (b), (c), and (d). This figure must equal the figure in section B, line (a), column (2).
12. Totals	Enter the amounts corresponding to line 8 above.
13. & 14. Federal/Non-Federal	Enter the estimated amounts for the stated periods based on the proposed schedule of tasks included in the Scope of Services (Part IV) below.
15. Totals	Total the amounts of lines 13 & 14 for each column.

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SECTION C-NON-FEDERAL RESOURCES					
(a) GRANT PROGRAM	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS	
8. Technical Assistance at the	\$ 11,010	\$	\$	\$ 11,010	
8. Woodtown Landfill Site					
10.					
11.					
12. TOTALS	\$ 11,010	\$	\$	\$ 11,010	

SECTION D-FORECASTED CASH NEEDS					
	TOTAL FOR IN YEAR	1st QUARTER	2nd QUARTER	3rd QUARTER	4th QUARTER
13. Federal	\$ 5,412	\$ 1,656	\$ 1,900	\$ 0	\$ 1,856
14. Non-Federal	3,310	1,059	884	675	692
15. TOTALS	\$ 8,722	\$ 2,715	\$ 2,784	\$ 675	\$ 2,548

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Instructions For Completing The Grant Application

*Part III, Page 9, Section E -
Budget Estimates of Federal Funds Needed for
Balance of the Project*

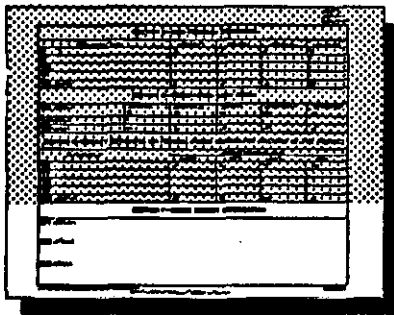
Item	Response
16. Grant Program Funding Periods	In line 16, write in column (a) "Technical Assistance Grant" and insert the name of the site. In columns (b), (c), (d), and (e), enter the amount of Federal funds needed for technical assistance for each subsequent budget period. The information on line (16) must correspond directly to the estimated work schedule detailed in the Scope of Services (Part IV). Remember to subtract the value of the non-Federal matching funds requirements (e.g., group contributions) from the total funding needs for these periods to calculate EPA's share of project costs.
20. Totals	Enter the amounts corresponding to line 16 above.

SECTION 3 - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) GRANT PROGRAM	FUTURE FUNDING PERIODS (YEARS) (@ 3 years each)				
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH	
16. Technical Assistance at the	\$ 14,711	\$	\$	\$	
17. Woodtown Landfill Site					
18.					
19.					
20. TOTALS	\$ 14,711	\$	\$	\$	

SECTION 4 - OTHER BUDGET INFORMATION
(Enter additional items if necessary)

21. Other items:

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Instructions For Completing The Grant Application

Part III, Page 9, Section F – Other Budget Information

Item	Response
21. Direct Charges	Use if necessary (see p. 11 of the grant application instructions in Appendix B).
22. Indirect Charges	Not applicable (leave blank).

SECTION F – BUDGET INFORMATION
(Attach additional sheets if necessary)

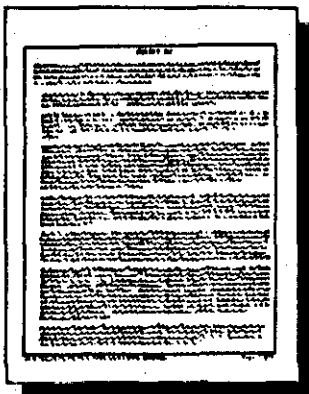
21. Direct Charges: 21

22. Indirect Charges: 22

23. Remarks:

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PART IV – PROGRAM NARRATIVE (Attach per instruction)

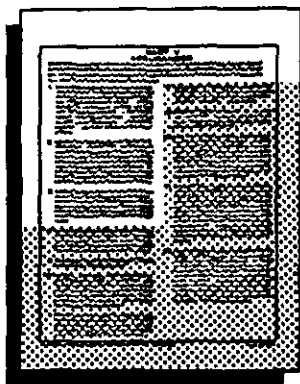
PAGE 9 OF 12



Part IV, Page 9

For the purposes of the Technical Assistance Grants Program, applicants shall prepare a Scope of Services as Part IV, Section II of the grant application. The Scope of Services, labeled as Part IV, Section II, should be attached to the grant application.

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Instructions For Completing The Grant Application

Part V, Page 12

This part, "Assurances," contains the regulations, policies, guidelines, and requirements to which an applicant must adhere. Although summarized here, applicants must read the assurances itemized on page 12 of the application carefully, because by signing the grant application the applicant agrees and certifies, with respect to the grant, that:

1.

He/she possesses legal authority to apply for the grant: that the group's governing body has authorized the filing of the application, and the signator has been identified as the governing body's official representative to act in connection with the application as may be required.

2.

The group will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) whereby no person in the United States shall be subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance.

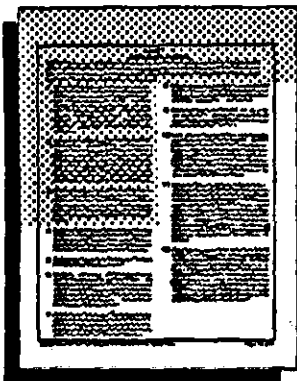
3.

The group will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination with respect to grant-aided activity.

4.

The group will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally-assisted programs.

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Instructions For Completing The Grant Application

Part V, Page 12

5. The group will comply with the provisions of the Hatch Act that limit the political activity of State and local government employees.²
6. The group will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to employees of institutions of higher education, hospitals, and other not-for-profit organizations; and to employees of State and local governments who are not employed in integral operations in areas of traditional governmental functions.
7. The group will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others.
8. The group will give EPA and the U.S. Comptroller General through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
9. The group will comply with all requirements imposed by EPA concerning special requirements of law, program requirements, and other administrative requirements.

² The Hatch Act applies to State and local government recipients and requires State and local government employees to comply with restrictions on political activities imposed by the Act if their employment activities are funded wholly or in part by Federal assistance. Because recipients of technical assistance grants are unlikely to use grant monies to fund a government official in his or her official capacity, the provisions of the Hatch Act are not likely to apply to grant recipients or their hired advisors. The EPA contacts, listed in Appendix C for each Region, can assist applicants further with regard to interpretation of the Hatch Act's relevance for this grant program.

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**Instructions For Completing
The Grant Application**

Part V, Page 12

10.

The group will ensure that the facilities under its ownership, lease, or supervision that shall be utilized in the accomplishment of the project are not listed, or under consideration for listing, on the EPA List of Violating Facilities.

11.

The group will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Statute 975, approved December 31, 1976. (This clause will only apply to technical assistance grant recipients in rare circumstances.)

12.

The group will comply with all applicable requirements of Section 13 of the Clean Water Act Amendments of 1972 (P.L. 92-500), if the grant is awarded under any grant authority of that Act, which prohibits discrimination on the basis of sex in any program or activity under such Amendments for which the applicant receives financial assistance. (This clause does not apply to the Technical Assistance Grant Program.)

AR500107

**The Procurement Certification
Form**



In addition to your completed application, you must submit to us a completed EPA Form 5700-48, "Procurement System Certification." "Procurement" is the term for purchases of supplies and services. Part 33 of 40 CFR, "Procurement Under Assistance Agreements," contains the requirements that recipients of technical assistance grants must fulfill when they purchase supplies and services. Chapters 5 and 6 of this manual present a detailed discussion of the procurement rules that you must follow to obtain a technical advisor. Because a procurement system certification form must be submitted with your grant application, however, a limited discussion of the procurement process is provided here.

33.110

**Part 33,
App. A**

The United States Government requires that recipients of grant funds have procedures for the purchase of supplies and services that ensure responsible use of Federal funds. This "procurement system" must comply with the requirements specified in 40 CFR Part 33. The procurement system certification form requires you either to certify that your group has a procurement system in place that complies with 40 CFR Part 33, or that you agree to follow the requirements of 40 CFR Part 33. Groups applying for technical assistance grants are not likely to do frequent business with government agencies and thus are not likely to have certifiable procurement systems in place; therefore most groups will have to agree to follow the requirements of 40 CFR Part 33. (See Exhibit 4-4 for a sample procurement system certification form completed by a group without a certified procurement system.)

AR500108

Exhibit 4-4

Instructions for Completing
Procurement System Certification

Section I

Enter your group's name and address, along with the name of the group's project manager, as it appears on the main application form.

You may leave the section under "Assistance Application Number" blank.

Section II

- A. Most groups will not complete Section II.A because they will not have previously obtained an EPA assistance agreement.
- B. Because most groups will not have a certifiable procurement system (box #1), most groups will check box #2 of section II.B to indicate that they will use 40 CFR Part 33 as their procurement rule. Your group's project manager must sign and date the bottom of this

EPA UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460		Form Approved GSA Gen. Reg. 2700-0433 Assessment number 10-31-87
PROCUREMENT SYSTEM CERTIFICATION		
APPLICANT'S NAME Pat Jones Woodtown Landfill Coalition		ASSISTANCE APPLICATION NUMBER
APPLICANT'S ADDRESS Main Street Woodtown, CT 06898		
SECTION I - INSTRUCTIONS The applicant must complete and submit a copy of this form with each application for EPA Assistance. If the applicant has certified its procurement system to EPA within the past 2 years and the system has not been substantially revised, complete Part A in Section II, then sign and date the form. If the system has not been certified within the past 2 years, complete Part B, then sign and date the form.		
SECTION II - CERTIFICATION		
A. I affirm that the applicant has within the past 2 years certified to EPA that its procurement system complies with 40 CFR Part 33 and that the system meets the requirements in 40 CFR Part 33. The date of the applicant's latest certification is:		MONTH/YEAR
B. Based upon my evaluation of the applicant's procurement system, I, as authorized representative of the applicant, (Check one of the following):		
<input type="checkbox"/> 1. CERTIFY that the applicant's procurement system will meet all of the requirements of 40 CFR Part 33 before undertaking any procurement action with EPA assistance.		
Please furnish evidence to applicant's procurement system and regulations:		
(This area is for the applicant to provide evidence of compliance with 40 CFR Part 33, including the procedures in Appendix A, and allow EPA personnel review of proposed procurement actions that will use EPA assistance.)		
DO NOT CERTIFY THE APPLICANT'S PROCUREMENT SYSTEM. The applicant agrees to follow the requirements of 40 CFR Part 33, including the procedures in Appendix A, and allow EPA personnel review of proposed procurement actions that will use EPA assistance.		
TYPED NAME AND TITLE Pat Jones EXECUTIVE DIRECTOR	SIGNATURE Pat Jones	DATE 7/16

1

2

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Intergovernmental Review of Application

30.303

The intergovernmental review process under Executive Order 12372 is designed to inform appropriate State agencies about all applications for Federal assistance funds that have been received from their jurisdiction. This policy applies to all Federal assistance programs. When EPA is administering the Technical Assistance Grant Program, you must contact the appropriate State contact person (see Appendix C) before filing the grant application package with us to find out what procedures to follow to comply with the State's official intergovernmental review process.*

Some States may elect not to include the Technical Assistance Grant Program in the intergovernmental review process. For States that do include the Technical Assistance Grant Program in the intergovernmental review process, however, the actual process may vary from State to State. For example, some States require applications to undergo intergovernmental review before being submitted to the Federal funding agency, while other States conduct the intergovernmental review concurrently with the Federal agency's review of an application. Regardless of when the State requires this review, grant applicants must accommodate the State requirements. States may require a maximum of 60 days for the intergovernmental review process. We will not process your application package without evidence of compliance with these requirements. (Be sure to respond "yes" on item 22, "Intergovernmental Review Certification," on page one, Section II, of the grant application.) A State's failure to review your application or respond in a timely fashion, however, will not prevent us from proceeding with our review.



Submission of Grant Application

Completed grant application packages must be submitted to the appropriate EPA Regional Office or, where the grant program is being administered by a State, to the appropriate State office (see Appendix C). You must submit the original application package and two copies. The primary application must have the original signature (i.e., not a photocopy of the signature) of your group's project manager.

*This process under Executive Order 12372 does not apply to technical assistance grants awarded by a State. You need to check with your State TAG Project Office before filling out your application because some States may have their own review process.

AR500110

We then will review and score each application received. If there are qualified applicants, we may award a grant to the single most qualified applicant. We believe that this process is the only fair way to ensure that all eligible groups have an equal opportunity to compete for a grant if consolidation is not possible. If groups are unsuccessful in consolidating, and separate applications must be reviewed, the process will, by necessity, require more time and the award of a grant may be delayed. In the event of delays in the technical assistance grant application process, however, response activities at a site will remain on schedule. Consequently, groups have an incentive to reach agreement and form a coalition in a timely fashion.

The Grant Award Process

Notification of Grant Award

30.305

Once we have reviewed your completed application (usually within four to nine weeks after completion of the intergovernmental review process), we will notify you in writing as to whether we have approved your grant request. If the grant has been approved, EPA's Award Official will prepare and sign a grant agreement (EPA Form 5700-20A), which also must be signed by your group's project manager.* Within three calendar weeks of the receipt of the grant agreement, you must either sign and return the agreement to us or request that we extend the time of acceptance. If neither action occurs, the grant agreement becomes null and void.

Accepting a Grant Agreement

30.308

Both you and the Award Official must sign the grant agreement before your group incurs any costs. The grant agreement specifies budget and project periods, the Federal share of project costs, the matching funds that your group will contribute, a description of the work to be accomplished, and any special conditions of the project.

When the Award Official signs the grant agreement, we will obligate Federal funds for the amount stated in the grant agreement. We are not obligated, however, to provide Federal funds for any costs incurred by your group in excess of the Federal share of your approved budget.

*The Award Official is the EPA official (usually the Regional Administrator) designated the authority to sign grant agreements.

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30.309

The award of a grant agreement constitutes a public trust. By signing and accepting a grant agreement, you become responsible for complying with all terms and conditions of the grant agreement, including any special conditions necessary to assure compliance with EPA or State policies and objectives and any other applicable law or regulation. You must efficiently and effectively manage the project, successfully complete the project according to the schedule, and meet all monitoring and reporting requirements. You may not delegate or transfer this responsibility without formally obtaining EPA approval and amending the agreement.

30.405

30.611

Your group can hire someone to prepare the grant application; however, it cannot reimburse with grant funds any person, corporation, partnership, agency, or other entity that solicits or obtains EPA or State assistance for the group in exchange for a commission, percentage fee, brokerage fee, or contingency fee. Neither EPA nor State employees may act as paid agents or attorneys to your group. As described in the IFR, necessary and reasonable costs incurred by your group to incorporate are the only pre-award costs eligible for reimbursement with grant funds. These costs should not exceed \$500.

30.612

35.4070

Disputes

40 CFR 30,
Subpart L

If EPA administers the Technical Assistance Grant Program, we will review disputes between Agency officials and an applicant and/or recipient in accordance with EPA's existing dispute resolution procedures. Accordingly, if a disagreement occurs between your group and an EPA official regarding the terms of the grant, the disagreement should be resolved at the lowest level of EPA authority possible. If an agreement is impossible to achieve, you may file a written "dispute" with the EPA Award Official. The Award Official will forward the dispute to an EPA Disputes Decision Official (an individual designated by the Award Official to resolve the dispute).

30.1200-
30.1235

The Disputes Decision Official will provide you with a written decision. This decision is EPA's final decision unless you file a request for review of the decision with the appropriate EPA Regional Administrator by registered mail, return receipt requested, within 30 calendar days of the date of the dispute resolution decision. The Regional Administrator's decision will be the final Agency decision unless, within 30 days of the Regional Administrator's decision, you file a petition for discretionary review by the Assistant Administrator for Administration and Resources Management in Washington, D.C. The Assistant Administrator's decision is the final EPA decision.

AR500112

35.4100



If the State administers the Technical Assistance Grant Program, any applicant and/or recipient who has been adversely affected by a State's action or omission may request EPA review of such action or omission, although EPA can only review final State decisions. In such a case, however, the applicant or recipient first must submit a petition for review to the State agency that made the initial decision. You should check with State officials early in the application process to familiarize yourselves with the State's dispute resolution process. The State must provide in writing, normally within 45 days of the date it receives the petition, the basis for its decision regarding the disputed action or omission. If the final State decision adversely affects your group, the State must include notice of the right to request EPA review of the State decision. A State's failure to address the disputed action or omission in a timely fashion, or in writing, will not preclude EPA review.

Requests for EPA review must include:

- ◆ A copy of any written State decision;
- ◆ A statement of the amount in dispute;
- ◆ A description of the issues involved; and
- ◆ A concise statement describing the objections to the State decision.

The request for EPA review of a State decision must be filed by registered mail, return receipt requested, within 30 days of the date of the State decision, or within a reasonable time if the State fails to respond in writing to the request for review.

EPA will determine whether the State's review is comparable to EPA's review process. If the State's review is comparable, the EPA Regional Administrator will review the State's decision. If the State's review is not comparable, the EPA Disputes Decision Official will review the State's decision and issue a written decision. Any appeal above this level follows the process outlined in 40 CFR Part 30, Subpart L, which is described previously. EPA or the State may delay an award pending resolution of disputes.

Changes in the Project

30.700

Once a technical assistance grant has been awarded, it is possible to make changes to the project. Formal amendments are not necessary for minor changes consistent with the project objectives and within the scope of the grant agreement, such as minor changes to the scope of a technical advisor's review tasks. Sometimes, however, situations warranting a significant project change

AR500113

35.4085

may arise (e.g., a group finds that despite efforts to raise funds to meet the matching funds requirement, it cannot meet the share of non-Federal funds committed in the Scope of Services). EPA regulations require formal amendments, negotiated with the EPA Award Official and signed by both parties, to make the following revisions:

- ◆ A transfer of an award to another recipient (e.g., another authorized group);
- ◆ Changes in the objective of the project;
- ◆ Major changes in the budget categories (e.g., major additions or deletions of budget and in-kind items established in the work plan and changing the balance of the match contributions between cash and in-kind);
- ◆ A rebudgeting of amounts allocated for indirect costs (e.g., administrative costs) to absorb increases in direct costs (e.g., the technical advisor's services and expenses);
- ◆ Making a change that will affect the assistance amount, including obtaining a post-award waiver of the matching funds requirement; or
- ◆ Carryover of unused funds from a prior budget period to the current budget period. (You may carry over unexpended funds when filing a continuation application, which is discussed later in this chapter.)

30.705

Minor changes to the project defined in the grant agreement do not require a formal amendment. Group members assigned to the project may be changed as long as the basic objectives of the project remain the same. You may adjust your project budgets, except as noted above, provided the funds are used in accordance with the approved grant agreement and with EPA as well as State regulations. Because EPA is not obligated to provide additional funds for any costs in excess of the approved budget, you should discuss both minor and major changes with your TAG Project Officer prior to implementation.

30.710

In addition, either your group or EPA may terminate all or part of a grant agreement if both parties agree that continuation of the project would not produce any beneficial results. Such a case could occur, for example, if there were insufficient group interest in further technical assistance or if duplicate technical assistance efforts were being provided by another source.

AR500114

Non-Compliance

30.900 If you do not comply with the terms (i.e., defined tasks, reporting, and conditions) of the grant agreement, the EPA Award Official may do any of the following:

- ◆ Issue a stop work order;
- ◆ Withhold payments;
- ◆ Suspend or terminate the grant agreement;
- ◆ Annul the grant agreement (e.g., you would be required to return all expended funds);
- ◆ Request the Director of the EPA Grants Administration Division to suspend or debar your group as an eligible recipient;
- ◆ Take other administrative action; and/or
- ◆ Institute judicial proceedings.

30.903 In the rare event that your group fails to meet the terms of the grant agreement, the EPA Award Official may terminate the grant in whole or in part at any time before the date of project completion *whenever he or she determines that you have failed to comply with the conditions of the grant agreement.* (See 40 CFR Part 30, Subpart I for a further discussion of non-compliance measures.) "Program termination" requires the Award Official to give you written notification with an explanation and an effective date for the order. Upon receipt of the termination notice, you must stop work immediately. We will not reimburse your group for any financial commitments or obligations made after a termination notice is issued. Requests for reviews of any EPA actions discussed above must be submitted to the appropriate EPA Regional Administrator within 30 calendar days of the notice and must follow the dispute resolution process explained earlier in this chapter.

The Continuation Application

30.306 When we award a technical assistance grant, the project period in the award covers the total amount of funds needed over the life of the project (up to a maximum of \$50,000), but we obligate only enough funds to cover the budget period. If your technical assistance project extends beyond the first budget period, a continuation application (i.e., standard grant application, Form SF 5700-33) must be submitted to us for each additional budget period. The continuation application is subject to the intergovernmental review process explained earlier in this chapter. Following the intergovernmental review process, we will require two to four weeks to review this application.

The directions for filling out and submitting the standard grant application are the same for the continuation application as they are for the initial grant application, with the following exceptions:

- ◆ *Section I, p. 1, #14:* Enter "D" to indicate the application is a continuation;
- ◆ *Section I, p. 1, #20:* Enter the EPA identification number and title of the current grant; and
- ◆ *Part III, p. 7, Section A (Budget Summary):* Enter in columns (c) and (d) the estimated amounts of funds, which will remain unobligated at the end of the grant funding period only if the Award Official instructs you to do so. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts needed for the upcoming budget period. The amount in column (g) should be the sum of the amounts in columns (e) and (f).

The continuation application must include:

- ◆ A detailed progress report for the current budget period;
- ◆ A Financial Status Report (EPA Form SF 269) for the current budget period that includes the amount your group expects to spend by the end of the current budget period and the amount of any uncommitted funds that your group proposes to carry over beyond the term of the current budget period;
- ◆ A budget for the new budget period; and
- ◆ An updated Scope of Services (Part IV, Section II of the application) revised to account for your group's accomplishments during the previous budget period and to provide more detail about projected activities during the upcoming budget period.

This information, along with any other reports required by the grant agreement, provides the basis for evaluating your group's progress and approving funding for the next budget period.

If approved by the Award Official, you may carry over unexpended funds, either in lieu of new funds to complete work started in prior years or to supplement the new award. However, to carry over funds, you must meet all program requirements, including the matching funds requirement (unless it is waived), in each budget period.

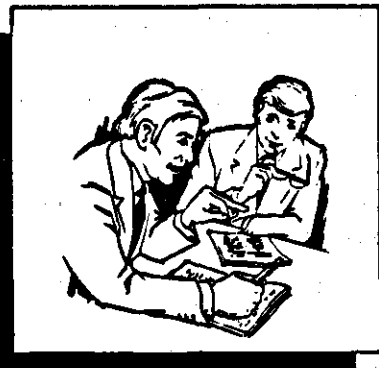
If a continuation agreement is awarded after expiration of the current budget period, we will reimburse your group for any costs incurred between the end of the first budget period and the date of award for the next budget period provided the continuation application was filed before expiration of the prior budget period. You are advised, therefore, to begin completing the continuation application well in advance of the date that the initial budget period expires.



AR500116

CHAPTER 5

HOW TO HIRE TECHNICAL ADVISORS



The process for hiring technical advisors involves identifying prospective candidates, reviewing candidate qualifications, selecting the most appropriate candidate, and developing a contract (called a "subagreement") between your group and the technical advisor selected by your group. The term "procurement" refers to the actual hiring process and spending of grant funds by your group. The hiring process is discussed in this chapter, according to the following topics:

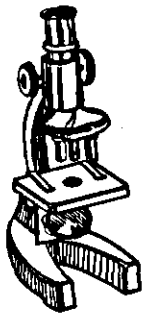
- ◆ How to identify prospective technical advisors;
- ◆ Meeting EPA procurement requirements;
- ◆ Requirements for all procurements;
- ◆ Procurements of \$25,000 or less;
- ◆ Procurements over \$25,000;
- ◆ Recommended steps to take in hiring a technical advisor; and
- ◆ The subagreement with a technical advisor.

Under existing EPA regulations, procurements of \$10,000 or less may be conducted using small purchase procedures. These procedures are relatively simple and informal, and are discussed at length later in this chapter. In order to make it easier for citizens' groups to hire technical advisors, EPA has issued a special exception to its existing regulations, called a class deviation, which raises to \$25,000 the maximum amount that can be procured using the small purchase method. This deviation applies only to the Technical Assistance Grant Program. Consequently, this manual uses the \$25,000 technical assistance grant amount when it discusses small purchases, even though the regulations use the \$10,000 figure.

Identifying Prospective Technical Advisors

Before hiring a technical advisor, you must carefully determine the specialties you are likely to need to interpret information on the Superfund site in your community. Advisory needs will vary according

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to site characteristics and the specific concerns of your group. You should anticipate that different types of information will be generated at different points in the Superfund remedial response (see Chapter 2). Consequently, there may be several areas of expertise needed to evaluate site information over the life of the project. Technical disciplines most applicable to response actions at NPL sites include:

- ◆ Chemistry (Analytic Chemistry, Biochemistry): Analysis of the chemical constituents and properties of site wastes.
- ◆ Engineering: Analysis of construction and design of proposed remedial action.
- ◆ Epidemiology (and Health/Risk Assessment): Evaluation of the pattern of health effects potentially associated with site contamination.
- ◆ Toxicology: Evaluation of the potential effects of site contaminants upon public health and the environment.
- ◆ Hydrology (Hydrogeology): Evaluation of potential contamination of area surface water and ground water and the migration of contamination through an aquifer.
- ◆ Limnology: Evaluation of the impact of site runoff upon the plant and animal life of nearby streams, lakes, and other bodies of water.
- ◆ Meteorology: Assessment of background atmospheric conditions and the dispersion of site-generated air contamination.
- ◆ Soil Science: Evaluation of potential and existing soil contamination.

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The technical advisor also must possess specific qualifications as required by the IFR and other EPA regulations. The IFR requires that technical advisors possess the following credentials:

- ◆ Demonstrated knowledge of hazardous or toxic waste issues;
- ◆ Academic training in a relevant discipline (e.g., biochemistry, toxicology, environmental sciences, engineering); and
- ◆ Ability to translate technical information into terms understandable to the public.

The IFR further provides that a technical advisor should possess the following credentials:

- ◆ Experience working on hazardous or toxic waste problems;
- ◆ Experience in making technical presentations;
- ◆ Demonstrated writing skills; and
- ◆ Previous experience working with citizens or other groups of individuals.

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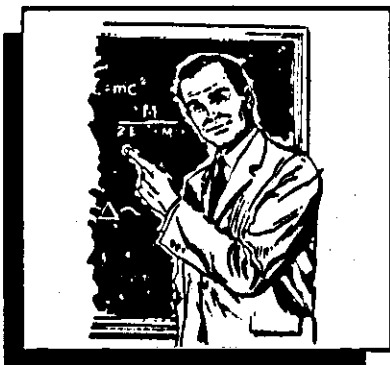
33.220 EPA procurement regulations require that technical advisors possess the following characteristics:

- ◆ The technical qualifications, financial resources, and experience to successfully carry out the required tasks;
- ◆ A satisfactory performance record for completing work;
- ◆ Adequate accounting or auditing procedures to control funds properly; and
- ◆ Demonstrated compliance or willingness to comply with civil rights, equal employment opportunity, and other statutory requirements outlined in 40 CFR Part 30.

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In choosing a technical advisor, you must be alert to potential conflict of interest problems. All prospective technical advisors must provide information on their financial and business relationships with any parties potentially responsible for site contamination (i.e., PRPs), and with their parent companies, subsidiaries, affiliates, subcontractors, and current clients, attorneys, and/or agents. Contractors and subcontractors may not be technical advisors to groups at the same NPL site for which they are doing work for the Federal or State government or any other entity. A more detailed discussion of conflict of interest appears later in this chapter.

Bearing these considerations in mind, you may turn to a variety of sources for hiring technical advisors. Because identification of these sources may be time consuming, you should begin to identify possible sources for, and ways to obtain technical advisors as early as possible in the grant application process. Many of the organizations listed below may be good sources of low-cost, high-quality assistance and may be particularly useful in identifying other sources of technical advisors appropriate to the needs of individual groups:



- ◆ Organizations that specialize in scientific, environmental, and hazardous waste issues.
- ◆ College and university science, engineering, and public health faculties.
- ◆ Local research institutions.
- ◆ Local hospitals and medical facilities.
- ◆ Local or State health departments.
- ◆ Local chapters of professional or technical societies.
- ◆ Consulting firms that specialize in scientific, technical, engineering, and environmental services.

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Meeting EPA Procurement Requirements



Groups that receive technical assistance grants must comply with EPA procurement requirements in selecting and contracting with their technical advisors. These requirements are contained in 40 CFR Part 33, "Procurement Under Assistance Agreements." The basic purpose of this regulation is to ensure:

- ◆ Maximum free and open competition in the procurement process;
- ◆ The use of good administrative practices;
- ◆ The keeping of thorough, accurate records; and
- ◆ The most economical expenditure of Federal funds.

You are responsible for ensuring that your technical advisor fulfills all the terms of your subagreement and complies with EPA and applicable State regulations. Although we will provide advice and guidance on the procurement process, EPA is not a party to subagreements. It is not EPA, but grant recipients who are responsible for enforcing the provisions of subagreements negotiated with technical advisors.

Since we may review or audit your use of Federal funds, you must have in a central file and make available, upon request, written records of all steps taken by your group in the procurement process. Specific requirements of different procurement methods are discussed in detail below.

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Requirements for All Procurements

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You must conduct all procurement activities in a manner that encourages maximum open and free competition. Procurement practices that unduly restrict or eliminate competition must be avoided.

While you have the option of choosing among several different procurement methods, your group must undertake the following activities no matter which procurement method is chosen:

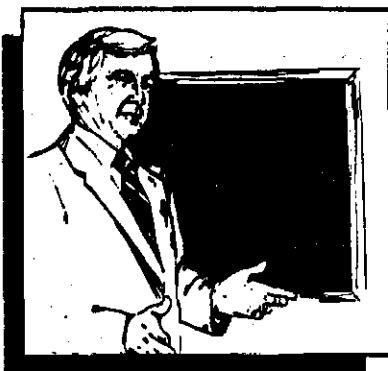
- ◆ Review conflict of interest requirements to ensure that no significant conflict of interest exists;
- ◆ Maintain records of the group's procurement activities;
- ◆ Determine reasonable costs;

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- ◆ Make positive efforts to use small and minority-owned businesses; and
- ◆ Verify that a technical advisor is not on EPA's master list of suspended or debarred contractors.

Conflict of Interest

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EPA's policy is to prevent personal or organizational conflicts of interest or the appearance of such conflicts in the award of subagreements. Recipients of EPA financial assistance must be concerned with conflict of interest problems that may arise in evaluating proposals of prospective technical advisors as well as business relationships of the technical advisor.

An official or employee of your group may not participate in any activity relating to awarding subagreements if any of the following persons or organizations (to the official's or employee's knowledge) has a financial interest in the activity:

- ◆ The official or employee;
- ◆ A member of the official or employee's immediate family;
- ◆ A partner of the official or employee;
- ◆ An organization (other than a public agency) in which the official or employee serves as an officer, director, trustee, partner, or employee; or
- ◆ Any person or organization with whom the official or employee is negotiating or has any arrangement concerning prospective employment.

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In addition, you must neither solicit nor accept gratuities, favors, or anything of monetary value from potential technical advisors. Individual group members must not have a financial or other interest in your technical advisor's firm.

Officials and employees of your group must avoid any action which might result in, or create the appearance of:

- ◆ Using their official position for private gain;
- ◆ Giving preferential treatment to any person;
- ◆ Making an official decision outside official channels; or
- ◆ Undermining public confidence in the integrity of EPA programs.

With respect to the technical advisor, groups must have the opportunity to assure themselves of the objectivity, as well as the expertise,

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35.4130 of their technical advisors. An organizational conflict of interest could exist if the subagreement is between your group and a technical advisor who is a PRP or works for any PRP at the same site. Therefore, you must require each prospective technical advisor on any subagreement to provide with his/her bid or proposal:



- ◆ Information on his/her financial and business relationships with PRPs at the site, their companies, subsidiaries, affiliates, sub-contractors, current clients, and attorneys and agents of such parties as PRPs at the site (this disclosure requirement encompasses past and anticipated financial and business relationships, including services related to any proposed or pending litigation, with such parties);
- ◆ Certification that, to the best of his/her knowledge and belief, he/she has disclosed such information or no such information exists; and
- ◆ A statement that he/she shall disclose immediately any such information discovered after submission of his/her bid or proposal or after award.

Disclosure of such a relationship does not automatically preclude the technical advisor from being hired by your group. Once full disclosure occurs, you must determine if there is an actual conflict of interest. If you conclude that such a conflict exists, is significant, and cannot be resolved or otherwise avoided, you must reject the prospective advisor.

33.820(a) It is important to note that you must exclude from consideration as a prospective advisor, any contractor(s) that helps develop or draft your request for proposals or subagreement documents related to your technical assistance grant project.

Finally, in an effort to reduce further any conflict of interest problems, EPA has determined that its contractors and subcontractors may not apply for positions as technical advisors to the citizens' groups at the same NPL site for which they are doing work for the Federal or State government, or any other entity, since they otherwise would be reviewing their own work.

Records of Procurement Activities

Throughout the procurement process, you must keep a complete written record of your procurement activities in a central file available for inspection. These documents must include all correspondence with prospective technical advisors and dated memoranda that contain the following information:

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- ◆ The basis for your screening and selecting the technical advisors;
- ◆ A written justification for the procurement method used by your group;
- ◆ A written justification for any specification or requirement that does not encourage free and open competition;
- ◆ A written justification for the type of subagreement used (e.g., labor hour, cost plus fixed fee, etc.);
- ◆ Actual bids submitted by all prospective technical advisors;
- ◆ The basis of the award cost, including any cost analysis conducted and documentation of negotiations;
- ◆ The reasons for your rejection of any or all proposals; and
- ◆ The reasons for rejecting any and all bids and the justification for any noncompetitively negotiated procurements. (This information must be available for public inspection).

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App.A



For all negotiated subagreements, potential technical advisors must submit to you their cost information on EPA Form 5700-41, "Cost and Price Summary," or in a similar format and provide you with supportive documentation. You must keep this form in your files in the event that we ask you to supply documentation prior to awarding the subagreement. EPA Form 5700-41 provides technical advisor applicants with instructions on how to complete the form. (A blank copy of this form is included in Appendix B.)

EPA Form 5700-41 will aid your group, as well as EPA if an audit is conducted, in determining whether a potential technical advisor's costs for carrying out the technical assistance project are reasonable, and whether the potential technical advisor has the financial capability, accounting system, and management resources to manage Federal funds adequately. A technical advisor must have an adequate accounting system for providing records of financial transactions, accounting records (e.g., purchase requests, progress payment records, invoices and the like), and other data to enable an EPA auditor to trace all financial transactions related to the project.

Form 5700-41 requires potential technical advisors to present their costs for you in specific categories including:

- ◆ Personnel costs (estimated hours multiplied by hourly rate);
- ◆ Fringe benefits;
- ◆ Labor overhead costs;
- ◆ Travel (e.g., air fare and car rental) and "per diem" costs (e.g., hotel and meals);

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- ◆ Equipment, materials, and supply costs; and
- ◆ General and administrative costs (e.g., accounting, legal, and other management costs).

Determining Reasonable Costs

For all procurements, you must determine that the proposed costs are allowable. (Allowable costs are governed by the criteria in OMB Circular A-122, "Cost Principles for Non-Profit Organizations.") For procurements of \$25,000 or less, you determine reasonable costs by obtaining at least three independent proposals and comparing them with your own estimate of what you think the work should cost.

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For all negotiated procurements over \$25,000 and all negotiated change orders (regardless of the cost), you must conduct a cost analysis to ensure that the proposed costs are reasonable. (A change order is a written modification to the subagreement. It is issued by you to your technical advisor authorizing significant changes within the general scope of the subagreement in the services or work to be performed under the subagreement. For example, if EPA decided to perform additional investigations at a site resulting in additional data and reports, a change order may be necessary to expand the technical advisor's services.) An example of this formal cost analysis is presented in Appendix A.

33.005

In a cost analysis, the cost of each element of a subagreement is reviewed to determine reasonableness, allocability, and allowability. In performing a cost analysis, you use your own cost estimates and the cost information submitted by a potential technical advisor to review each cost element. This information will help you determine if the cost is reasonable, necessary, and directly related to the technical assistance project when negotiating the costs with the technical advisor. These costs then are placed into the following categories:

- ◆ Unallowable costs (costs EPA will not cover — e.g., for bad debts, entertainment, interest, and other financial costs, fines or penalties);
- ◆ Reasonable costs (e.g., those that appear reasonable and may be included in the award); and
- ◆ Questioned costs (costs for which you question the reasonableness of the amount requested and decide to reduce or disallow the costs).

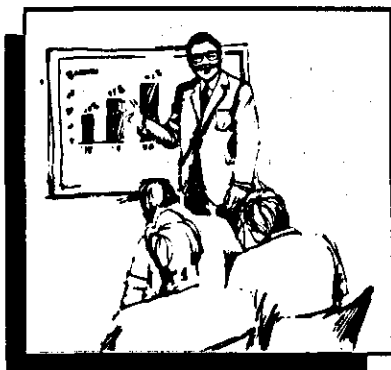
You must document your cost analysis and include this analysis and your cost negotiations in your procurement file. If you are in doubt about the reasonableness of any cost, you should contact your EPA TAG Project Officer.



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Small and Minority Business Utilization

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You must make positive efforts to use small and minority-owned businesses as sources of services and supplies whenever possible. To identify potential small and minority business enterprises, you should use resources such as your State's minority business office, the Small Business Administration, the Minority Business Development Agency, and EPA's Office of Small and Disadvantaged Business Utilization (EPA's Office of Small and Disadvantaged Business Utilization may be reached by calling (703) 557-7777). Minority Business Development Centers operated by the U.S. Department of Commerce also can help you identify minority firms. (See Appendix C for a list of these organizations.) Additionally, you could send a public notice soliciting proposals to small and minority business associations, professional societies, and media targeted to these groups. You are required to report to EPA on your use of minority businesses as discussed in Chapter 6.

Debarment

33.220

You also must ensure that any individuals, organizations, or firms to be selected are not on EPA's master list of suspended or debarred or voluntarily excluded contractors (under 40 CFR Part 32). This list is available from any EPA Regional Office and is updated weekly. (See Appendix C for a list of EPA Regional contacts.) In addition, the list is published four times a year in the *Federal Register*. EPA will not pay for any subagreement awarded to a firm or person on this list.

Procurements of \$25,000 or Less (or Small Purchase Procurement)

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33.315**

The small purchase procurement method is used when the total cost including overhead and profit for technical assistance services is \$25,000 or less. You must obtain price estimates for services from an adequate number -- at least three -- of qualified sources. You then should award the subagreement to the lowest-priced, qualified bidder. If you choose, however, to award a subagreement to a higher-priced bidder, you must provide a written justification for the selection in your files. You must determine that the proposed cost is reasonable. You may negotiate with prospective advisors if you wish.

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Procurements Over \$25,000

In cases where you require technical expertise in more than one discipline (such as engineering, hydrology, and epidemiology), you may elect to award separate subagreements to more than one unrelated individual or firm (e.g., \$10,000 for engineering expertise; \$5,000 to a hydrologist; and \$5,000 for an epidemiologist). If you decide that procuring services from several sources better suits your needs than awarding one large subagreement, separate subagreements for less than \$25,000 could be awarded through the small purchase method. You should note, however, that you may not divide a procurement into smaller amounts solely to get under the \$25,000 limit. You must be able to demonstrate sound business reasons for using this method of procurement to avoid the appearance of trying to circumvent the use of a more competitive procurement process. For example, you may need a greater variety of expertise than a single firm or individual can provide.

Procurements over \$25,000 are subject to additional requirements beyond those for procurements of \$25,000 or less. As outlined earlier, you must conduct a cost analysis for certain procurements over \$25,000, and have procurement procedures that cover the issuance of requests for proposals, selection of contractors, and the award of subagreements.

EPA regulations do not prescribe specific procurement procedures that non-profits must use when awarding subagreements over \$25,000. To ensure that grant recipients comply with EPA's requirements for adequate competition and cost analysis, we strongly encourage the use of the competitive negotiation method.

Competitive negotiation allows prospective technical advisors to propose to a grant recipient both their approach for how the task might best be accomplished and their price for performing the work. After you receive proposals from prospective advisors, you must determine the "competitive range" by deciding which prospective advisors with acceptable proposals are best qualified to provide the necessary assistance. This screening process occurs through a uniform and objective evaluation of each proposal based on predetermined evaluation criteria outlined in your request for proposals (RFP).

After this screening process, you may select the best qualified prospective advisor based on the original proposal (provided your RFP indicated that further negotiations would not take place) or may negotiate with applicants in the competitive range (without disclosing competing offers and proposals) and allow them to revise their original proposals to come up with their "best and final" offers. You then select the technical advisor (based on pr

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ation criteria outlined in the RFP) whose proposal best meets your group's needs. Exhibit 5-1 illustrates the competitive negotiation process.

We believe that a competitive negotiation model is more appropriate for technical assistance grant recipients than other procurement methods such as formal advertising or noncompetitive negotiation.

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The formal advertising method of procurement should be used only when you can spell out exactly what services are needed and prospective technical advisors can reasonably be expected to develop a fixed price for the project. The fixed price encompasses all costs associated with a project, including labor costs, overhead expenses, and profit. Under formal advertising, the prospective technical advisors provide your group with "bids" for how much they would charge for performing the requested service. You must then make your selection, based principally on price.



Steps in the Procurement Process

Noncompetitive negotiation is allowed only when the small purchase, competitive negotiation, or formal advertising procurement methods cannot be used. All noncompetitive procurements must be approved by the EPA Award Official before the procurement takes place. As the phrase suggests, no competition is involved when selecting a technical advisor. Instead, selection is based on a justification of why no other firms or individuals are being considered by your group under that method. Even if you already have a technical advisor who is providing services on a volunteer basis, you still must follow EPA's procurement requirements and give other potential advisors the opportunity to compete for the subagreement to ensure that there is adequate competition and the costs are reasonable.

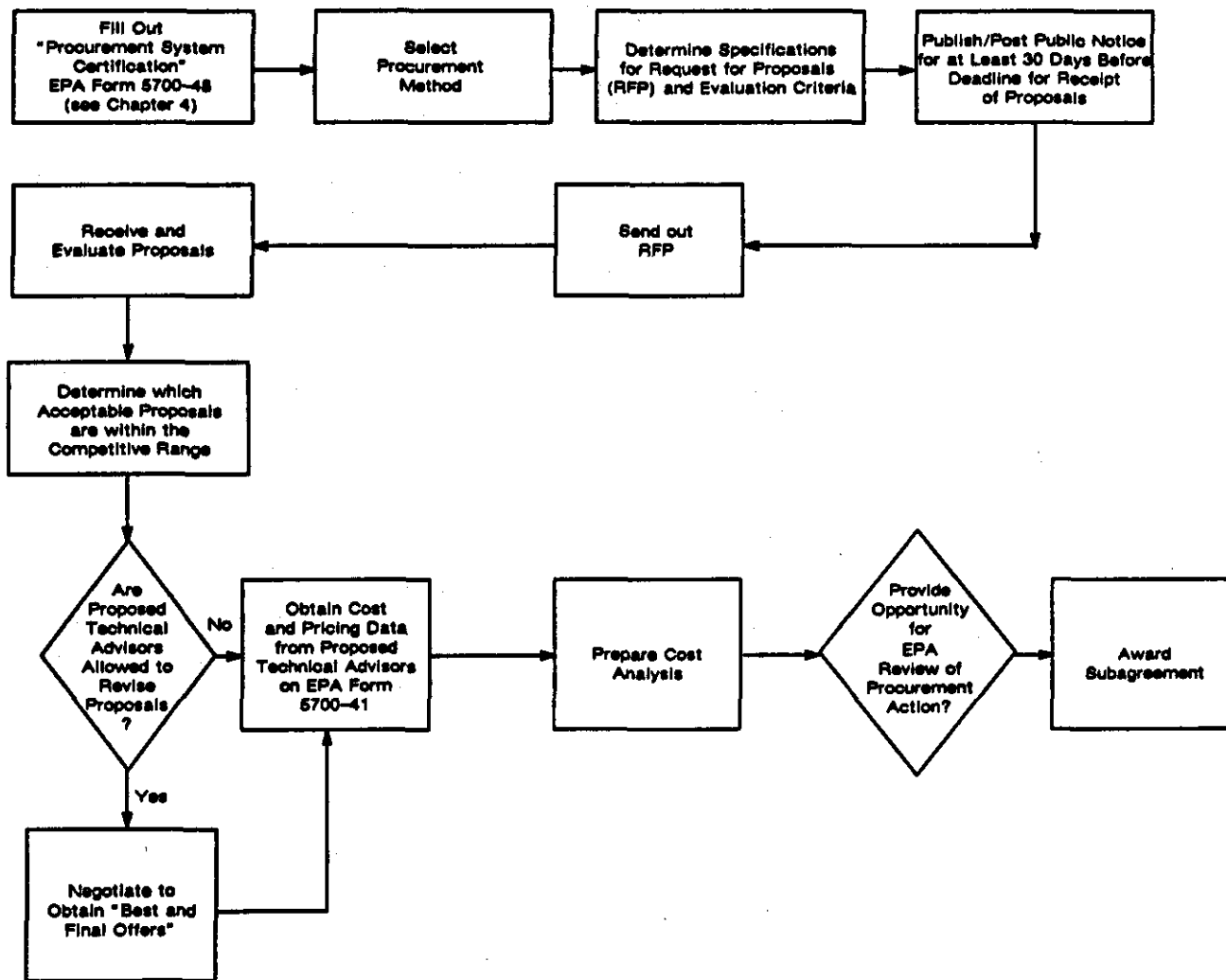
Regardless of which procurement method is used, there are six steps to follow, which are outlined in this section. Although you do not have to follow all of the specific steps listed here, you should to avoid audit or review problems later.

1. **Select a procurement method.** You should select the procurement method that best suits your needs. To ensure maximum open and free competition, EPA recommends that grant recipients with subagreements over \$25,000 use the competitive negotiation procurement method.

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Exhibit 5-1

Competitive Negotiation Procurement Process*



* Adapted from "State Participation in the Superfund Program, Volume II: State Procurement under Superfund Remedial Cooperative Agreements," Office of Emergency and Remedial Response, U.S. Environmental Protection Agency, March 1985, P. II-4.

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33.510

2. Prepare a request for proposals. A request for proposals (RFP) is an announcement issued by your group to solicit proposals from prospective technical advisors when using the competitive negotiation method of procurement. (A sample RFP is included in Appendix A.) You will need to determine the kinds of services to be provided by the technical advisor prior to writing the RFP.

33.510

An RFP provides the general parameters of the services required, and prospective technical advisors must submit technical approaches for accomplishing the various tasks. You then can negotiate with technical advisor applicants to determine the services to be provided, as explained in the previous section on procurements over \$25,000. The following specifications must be included in an RFP:

- ◆ A complete description of the services required, including the purpose, objectives, and scope of work;
- ◆ A schedule for performing tasks that are time-sensitive;
- ◆ All evaluation criteria that you will use in selecting the contractor, and the relative importance attached to each;
- ◆ Total projected hours for the project; and
- ◆ The deadline and place to submit proposals.

Under EPA regulations, prospective technical advisors cannot be involved in drafting these specifications.



In the sample RFP provided in Appendix A, only one example of a scoring system for evaluating proposals is shown. You have many options available to you for developing appropriate scoring methods. Whatever method you use should reflect the type of technical assistance relevant to the site, and should be prioritized and weighted accordingly.

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You should develop your own estimates of what are reasonable costs for the services to be performed, and determine a total project budget. A price range for the subagreement may be included in the RFP at your discretion. Regardless of how advisors are selected, the selection method must be outlined in the RFP, and you must maintain in the project files complete records of the procurement process, including scoring sheets or other evaluation forms.

33.510
Part 33,
App. A

3. Publish or post a public notice soliciting proposals. Public notice for procurements in excess of \$25,000 must be given to obtain the maximum number of qualified proposals. The public notice that solicits proposals and announces the availability of the RFP should be published in professional journals, newspapers, or publications of general circulation over a reasonable area at least 30

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days before the deadline for receipt of proposals. A sample public notice is provided in Appendix A.

Most public libraries have reference books such as Ulrich's International Periodicals Directory, which list the names and addresses of professional journals, trade magazines, and newspapers. In addition, you may use posted public notices or written notification disseminated to interested persons, firms, or professional organizations. Good reference sources for locating interested organizations and individuals include the Encyclopedia of Associations (i.e., for listings of trade and professional groups) and The Directory of Consultants and Consulting Organizations. Notices also may be sent to colleges, universities, and environmental groups.

4. Send out RFP and other relevant information. After the public notice is published, groups must make copies of the RFP available to technical advisor applicants. An RFP must clearly state the deadline and place to submit proposals.

33.515 5. Evaluate the proposals. All proposals must be evaluated using the criteria stated in the RFP. In evaluating proposals, you must determine if the applicants have the ability and resources to provide the necessary assistance.

One approach to ensuring a fair review of proposals is to appoint a selection panel of three to five members of your group. Panel members independently evaluate the proposals according to the selection criteria outlined in the RFP. Then, the panel members discuss their ratings. If members' ratings are far apart, they discuss how they arrived at their rating and re-evaluate their ratings. These discussions continue until they can agree on a consensus ranking.

33.430 6. Award the subagreement. Under competitive negotiation, you first narrow down the pool of proposals under consideration to those with the best proposals; these are referred to as "the competitive range." (A predetermined score should not be used to establish the competitive range.) You then can negotiate the details of costs and services to be delivered to obtain the "best and final" offer.

33.520 The best proposal would be the one that best meets the criteria in the RFP, and the subagreement will be awarded to that technical advisor candidate.

If negotiations occur, you must provide an equal opportunity for all proposals within the competitive range to be revised. Prospective contractors are likely to sense how their proposals need to be revised based on negotiations with you. While negotiations are taking place, the identity of other applicants and information from their proposals must be kept confidential. Once you select a technical advisor,

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sor, you must promptly notify in writing all unsuccessful candidates that their proposals were rejected.

A written record summarizing the negotiations must be kept in your procurement file. This record can be in the form of either a dated log book or dated memoranda, but must describe both the issues negotiated and the result of these negotiations. You must keep in the files a written explanation of why the selected proposal is the most advantageous, taking into consideration price and the other evaluation criteria set forth in the request for proposals. You must carefully document for the file your reasons for rejecting a proposal, as well as the factors used to select the successful proposal.

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The Subagreement with the Technical Advisor

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You must inform EPA of any proposed subagreement between you and a technical advisor and must provide us with the opportunity to review the subagreement before it is awarded. The purpose of this review is to ensure that the subagreement is in compliance with all the procurement regulations. However, you are responsible for complying with the procurement regulations even if we have reviewed the subagreement.

33.1005

All subagreements with technical advisors must include, at a minimum, the following elements:

33.1015

- ◆ Nature, scope, and extent of work to be performed;
- ◆ Time-frame for performance;
- ◆ Total cost of the subagreement; and
- ◆ Payment provisions.



A labor-hour subagreement will be used in virtually all cases for the procurement of services of a technical advisor. Under a labor-hour subagreement, payment is made on the basis of a specified fixed hourly labor rate. A discussion of an hourly rate structure, which includes wages, overhead (O/H), general and administrative (G&A) expenses, and profit is included in Appendix A. The technical advisor must employ an accounting system that will provide appropriate documentation, allocation, and segregation of costs to allow a clear understanding of the source and application of all project funds. You must oversee this labor-hour subagreement to ensure proper use of grant funds. A more thorough description of your recordkeeping requirements related to the subagreement is given in Chapter 6.

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The labor-hour subagreement will not allow you to know the exact amount of funds to be spent over the budget period at the time the subagreement is signed. Therefore, at the beginning of the budget period, you must establish a method of payment (e.g. quarterly or, over \$500, monthly) and a maximum range for spending. The technical advisor will be reimbursed by you for services rendered and costs incurred according to the method established in the subagreement.

Although a fixed-price subagreement may provide you with a better sense of how grant funds will be used, a labor-hour subagreement provides you with more flexibility since specific tasks and the required level of effort may not be clearly defined at the time that the subagreement is awarded.

If costs are expected to exceed the ceiling for the budget period in the subagreement or the scope of the work changes, a change order must be negotiated between you and your advisor before the costs are incurred. If the change order would cause you to exceed your budget during the budget period (see Chapter 4), you must ask for and obtain an amendment to the grant before we will be obligated to cover the additional costs.

Every subagreement must contain the specific clauses specified in Subpart F of 40 CFR Part 33. The subagreement must include the appropriate model clauses contained in 40 CFR Part 33.1030 or equivalent language covering the following items:

- ◆ **Supersession.** This clause should state that the clauses required by 40 CFR Part 33.1030 supersede any conflicting provisions of the subagreement.
- ◆ **Privity of subagreement.** This clause means that no department, agency, or employee of the U.S. Federal Government may be a party to the subagreement.
- ◆ **Termination.** This clause should state that failure to fulfill the obligations of the subagreement may result in the termination of the subagreement and should specify the procedures for how the subagreement would be terminated. It also should state that the recipient group may terminate the contract for its convenience provided there is adequate notice and consultation.
- 33.1030 ◆ **Remedies (resolution of claims, disputes, etc.).** This clause means that all disputes will be settled by arbitration if the parties mutually agree or in a court with jurisdiction in the State where the recipient is located.
- ◆ **Audit, access to records.** This clause should outline the records that must be maintained and should state that they are subject to audit.

AR500132

- ◆ **Covenant against contingent fees.** This clause prohibits a technical advisor from paying a contingency fee to an agency or individual to solicit or secure the subagreement.
- ◆ **Contractor gratuities.** This clause prohibits a technical advisor from providing gratuities in return for favorable consideration or award of the subagreement.
- ◆ **Final payment.** This clause should outline the conditions for final payment of the technical advisor.
- ◆ **Responsibilities of contractor (including a conflict of interest disclaimer).** This clause should specify the responsibilities of the technical advisor for conduct under the subagreement.

A sample contract is shown in Appendix A of this manual.

Renewing a Subagreement



As discussed in Chapter 4, once a technical assistance grant is awarded, we will obligate funds only for one budget period of up to three years at a time. When a project extends beyond three years, you must submit to EPA a continuation application requesting funds to continue the project for another budget period of up to three years. Depending upon the availability of funds for the Superfund program, grant funds could be delayed. Therefore, to ensure that you have funds available to pay for technical assistance, you should award subagreements only for the length of the budget period in your grant with an option to extend the subagreement for additional periods of time (e.g., for additional one- to three-year contract periods).

This method provides you with the assurance that you will not have to pay for the services of a technical advisor if you do not receive additional funds from EPA. In addition, you will be provided with the flexibility to extend or terminate the technical advisor's subagreement, as necessary. Under this scenario, the technical advisor need not recomplete each time the subagreement is extended.

Terminating a Subagreement with the Technical Advisor

You must follow certain procedures specified in clause 6 of the model subagreement clauses in Subpart F of 40 CFR Part 33 if you have to terminate a subagreement with your technical advisor. All or part of the subagreement can be terminated by either party in the event of substantial failure by the other party to fulfill obligations under the subagreement, through no fault of the terminating party.

AR500133

You may also terminate a subagreement in whole or in part for your convenience.

Some examples of problems that are likely to be considered just cause for termination include:

- ◆ **Ability and Availability:** If it is determined the technical advisor is not:
 - competent to evaluate site information in the technical discipline for which he/she was hired;
 - able to perform adequately as an advisor to the group (e.g., an inability to translate technical information into terms that are understandable to non-experts); or
 - able to meet deadlines.
- ◆ **Objectivity and Credibility:** If a conflict of interest arises that compromises the objectivity of the technical advisor;
- ◆ **Fraud:** If the credentials of the technical advisor are determined to be fraudulent; and
- ◆ **Financial Accountability:** If the technical advisor is not maintaining an adequate accounting system as required in the subagreement. The technical advisor must maintain all records of financial transactions, accounting records, and other data related to the project in a manner that enables the grant recipient and EPA's auditor to trace all financial transactions.

Prior to taking any termination action, whether for just cause or convenience, you should consult with your TAG Project Officer. If you proceed, you must meet several notification requirements. These requirements include giving the technical advisor:

- ◆ Not less than ten calendar days written notice (delivered by certified mail, return receipt requested) of your intent to terminate the subagreement;
- ◆ An opportunity to consult with you regarding your cause to terminate the subagreement prior to termination of the subagreement; and
- ◆ A written explanation of the cause to terminate.

Once these notification requirements have been met, you must notify in writing both the technical advisor and the EPA TAG Project Officer of your decision to terminate the subagreement, as soon as practicable. Upon receipt of the termination notice, the technical advisor is required to:

- ◆ Promptly discontinue all affected work (unless the notice directs otherwise); and

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- ◆ Provide to you all data, drawings, specifications, reports, estimates, notes, summaries, and other relevant information and materials accumulated in performing the subagreement, whether completed or in process.

If terminated, technical advisors may obtain an equitable adjustment in the price provided for in the subagreement. Termination for convenience results in a more favorable adjustment for the technical advisor than termination for cause. Upon termination of the subagreement with a technical advisor, you may hire another technical advisor. Your group, however, must begin again and follow EPA procurement procedures in hiring another technical advisor as discussed earlier in this chapter.

AR500135

CHAPTER 6

MANAGING TECHNICAL ASSISTANCE GRANTS

Technical assistance grant projects must be managed carefully to ensure that your group receives the technical assistance it contracts for, and to avoid having costs disallowed by EPA or the project exceeding the budget because expenditures were not monitored adequately. The day-to-day management of these projects will vary among groups depending on group-specific characteristics such as size, organizational structure, and experience dealing with contractors. Issues that your group will need to address include defining the role of your project manager, specifying which group member should assign tasks to the technical advisor, and which group member should oversee the accounting and recordkeeping aspects of the project. This chapter discusses general aspects of administering a technical assistance project including financial management and reporting requirements.

Financial Management

This section outlines required financial management activities following a grant award that pertain to accessing grant funds. Also included is a summary of EPA's financial records requirements and audit procedures.

Accessing Grant Funds

30.405

When your technical assistance grant application is approved, you will receive an award package describing the details of the grant agreement. Once the grant agreement has been signed by you, funds may not be reassigned to any other group or individual without our prior written approval. We will make payment only to the person identified in the grant agreement.

In the award package, we will specify the form of payment that we will use for the project and the steps your group must take to be eligible for that form of payment. Under the Technical Assistance Grant Program, we will reimburse you for legally incurred grant-related costs up to the amount of the grant.

AR500136

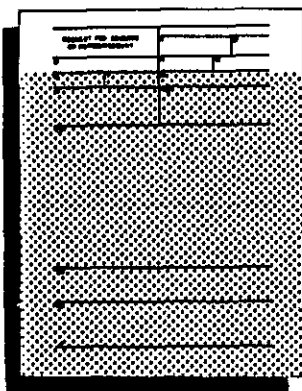
35.4080



To be reimbursed, you must submit EPA Form SF 270 -- Request for Reimbursement -- to us at least quarterly. If your costs are greater than \$500 in any month, you may submit an SF 270 to cover that month. Normally, we will reimburse you within 10 to 20 days of receipt and approval of the eligible costs incurred. You are responsible for 35 percent of your costs for each reimbursement request in order to meet the matching funds requirement of the Technical Assistance Grant Program. For example, if your technical advisor bills you for \$1,000 in one quarter, you have two options. You can request reimbursement from EPA of \$650 and provide \$350 in cash for your match or you can request \$1,000 from EPA and provide \$539 in in-kind contributions. In both cases, you are contributing 35 percent of the "total program outlay" shown on your reimbursement request. Documentation for all costs incurred must be kept in your files.

The following are step-by-step instructions for completing the Form SF 270, and a completed Form SF 270.

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Instructions For Completing Form SF 270

Item	Response
1a.	Check "reimbursement."
b.	Check "partial" for the initial and interim payments. Check "final" only for the last request made for the project.
2.	Check "cash."
3.	Write the name of the EPA Regional Office designated in the assistance agreement.
4.	Enter the Federal grant number, assigned by EPA.
5.	Enter the number (in sequence) of this request.

REQUEST FOR ADVANCE OR REIMBURSEMENT

(See instructions on back)

FEDERAL AGENCY AND ORGANIZATIONAL AGENCY TO WHICH THIS REPORT IS SUBMITTED
EPA Region 1

1. TYPE OF PAYMENT REQUESTED
☐ ADVANCE ☒ REIMBURSEMENT
☐ FINAL ☒ PARTIAL ☐ ACQUISITION

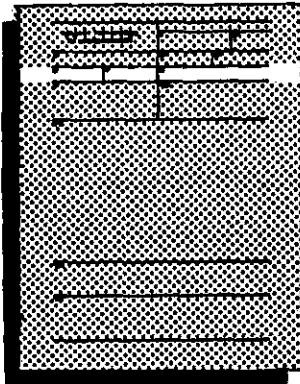
2. BASIS OF REQUEST
☒ CASH ☐ OTHER

3. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY
V-000000

4. SERIAL SEQUENCE NUMBER FOR THIS REQUEST
3

5. REQUEST APPROVED BY FOR REVIEW

AR500138



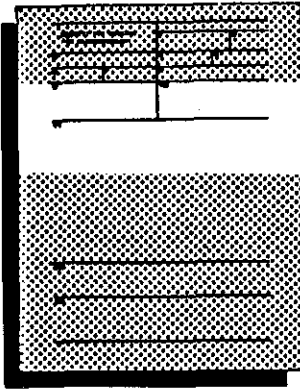
Instructions For Completing Form SF 270

Item

Response

6. Enter the employer identification number assigned by the U.S. Internal Revenue Service, as entered in Part I, Section I, line 5 of the main application form (Form 5700-33).
7. You may use this space to insert your own internal account number, if any. Otherwise, this space may be left blank.
8. Enter the month, day, and year for the period of this request (i.e., the period that the reimbursement covers). This period may be at least one month (if costs incurred were greater than \$500) and no more than three months in length.

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Instructions For Completing Form SF 270

Item

Response

9.

Enter the name of your group and the name and address of the individual authorized to obligate your group to the financial commitments of the assistance agreement.

10.

Complete this item only if the payment should be sent to an address other than that provided in item 9. We will make payments only to the payee identified in the assistance agreement.

11.

Enter "Technical Assistance Grant" under column (a).

a.

Line (a) enter the total outlays for the period covered by this request and all previous reimbursement periods.

b.

Enter "0"; program income is not allowed by the Technical Assistance Grant Program.

c.

Enter the sum in line (a).

Pat Jones
Woodtown Landfill Coalition
Main Street
Woodtown, CT 06890

11 points to the "PROGRAMS/FUNCTIONS/ACTIVITIES" field.

9 points to the "Total program outlays to date" field.

10 points to the "Loss: Cumulative program income" field.

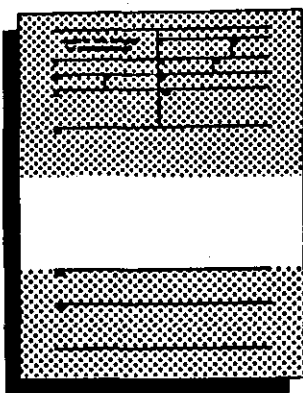
a points to the "Total program outlays to date" field.

b points to the "Loss: Cumulative program income" field.

c points to the "Net program outlays (Line a minus line b)" field.

PROGRAMS/FUNCTIONS/ACTIVITIES	(a)	(b)	(c)	TOTAL
Technical Assistance				
Total program outlays to date	\$ 5,499	\$	\$	\$
Loss: Cumulative program income	0			
Net program outlays (Line a minus line b)	5,499			

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Instructions For Completing Form SF 270

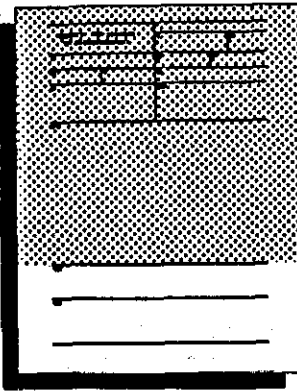
Item	Response
11d.	Enter "0".
e.	Enter the sum in line (a).
f.	Enter the total value of your cash and in-kind contributions represented in the sum in line (e). This value must equal at least 35% of the total program outlay sum.
g.	Subtract the value in line (f) from the sum in line (e).
h.	Enter the total cumulative amount of previous Federal funds.
i.	Subtract line (h) from line (g).
j.	Enter "N/A" for all three months for this step.

d	Estimated net cash outlays for advance period	0									
e	Total (Sum of lines d & f)	5,499									
f	Non-Federal share of amount on line e	1,943									
g	Federal share of amount on line e	3,556									
h	Federal payments previously requested	1,656									
i	Federal share now requested (Line g minus line h)	1,900									
j	Advances required by month, when requested by Federal grantor agency for use in making pre-scheduled advances	<table border="1"> <tr> <td>1st month</td> <td>NA</td> </tr> <tr> <td>2nd month</td> <td>NA</td> </tr> <tr> <td>3rd month</td> <td>NA</td> </tr> </table>	1st month	NA	2nd month	NA	3rd month	NA			
1st month	NA										
2nd month	NA										
3rd month	NA										

ALTERNATE COMPUTATION FOR ADVANCES ONLY

1. Estimate Federal cash outlays that will be made in the period covered by this advance

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Instructions For Completing Form SF 270

12.

Write "N/A".

13.

The individual authorized by your group to obligate the group to the terms of this agreement must read the certification statement and verify that the information is accurate before signing and dating the form. The authorized individual's name, title, and telephone number also must be included.

12. ALTERNATE COMPUTATION FOR ADVANCES ONLY	
a. Estimated Federal cash outlays that will be made during period covered by the advance	\$ NA
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period	
c. Amount requested (Less a minus line b)	\$
13. CERTIFICATION	
I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.	SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL <i>Pat Jones</i>
	DATE REQUEST SUBMITTED 3/10/91
TYPED OR PRINTED NAME AND TITLE Pat Jones Executive Director	
TELEPHONE AREA CODE NUMBER EXTENSION (203) 999-0000	

This space for agency use

AR500142

Determining Allowable Costs

30.308

30.410

Before you incur any costs under a technical assistance grant, the grant agreement must be signed and returned to the Award Official as explained in Chapter 4. To be allowable, costs incurred under the grant agreement or any subagreement with a technical advisor must meet applicable statutory provisions and regulatory requirements. The primary cost incurred under the Technical Assistance Grant Program will be in paying technical advisors. The subagreement between you and your technical advisor, discussed in Chapter 5, must detail the costs of the advisor's services. Regardless of the process that you use to procure a technical advisor, the proposed costs must be reasonable and must be documented. Proposed costs may be obtained from any of the following methods:

- ◆ Cost estimates from firms or individuals qualified to do the work;
- ◆ Costs determined through competition on an open market; or
- ◆ Costs from published price lists.

You and your technical advisor must document all costs and make this documentation available to EPA or an authorized auditor upon request.

We will reimburse you for reasonable and necessary costs to carry out the work identified in the grant. To determine if the costs are reasonable and necessary, we use the cost principles in OMB Circular A-122 for non-profit organizations. We also use the cost principles in the Federal Acquisition Regulation (48 CFR Subparts 31.1 and 31.2) for profit-making organizations, which may apply to the technical advisor. You and your technical advisor must maintain records, documents, and other evidence of claimed costs.



30.530

In addition to paying the technical advisor, other allowable costs include grant management activities for administering the recipient's grant to the extent that they do not exceed 15 percent of the total project costs. These costs might include telephone charges; copying expenses; general office support services for either you or your technical advisor; costs associated with notifying the public, such as publishing public notices; and costs associated with procurement-related activities, such as publishing the request for proposals (see Exhibit 3-1). You should consider, when possible, counting these costs as your in-kind contribution.

Citizens' groups are strongly discouraged from using the limited technical assistance grant monies available for the purchase of property such as an office and equipment. Because of this grant program is to acquire the services of a technical advisor, any request to use scarce technical assistance

AR500143

30.530



the purchase of property will be scrutinized closely by the EPA TAG Project Officer. The purchase of property is unlikely to be judged to be the most effective use of your technical assistance grant funds. No property purchases are permitted unless they are specifically authorized in your grant agreement. In addition, you may not use grant funds or make purchases of more than \$10,000 without obtaining prior written approval from the EPA Award Official. All property must be accounted for in your budget.

Rather than purchasing expensive equipment, you should consider alternatives such as:

- ◆ Asking a group member to donate the use of equipment or supplies as an in-kind contribution;
- ◆ Procuring a technical advisor who has the appropriate equipment to conduct the work (in general, technical assistance projects should not require any special equipment other than standard office machines); or
- ◆ Leasing equipment on a short-term basis, as needed (if leased equipment is used for work unrelated to the technical assistance project, that percentage of the leasing costs would not be reimbursable under the assistance agreement).

The purchase of equipment is an allowable cost only if you can:

- ◆ Demonstrate that the equipment is vital to the project;
- ◆ Show that purchase of the equipment is the most cost-effective method of obtaining that equipment and that it cannot be obtained through an in-kind contribution, by leasing, or through the technical advisor; and
- ◆ Provide justification for the purchase and supporting documentation in your grant application.

All equipment cost allocations must be documented carefully and costs must be allocated proportionally if the equipment is used for purposes other than the technical assistance project. The projected use of the equipment must account for the majority of the equipment's useful life. You must use a property management system that meets the following minimum standards:

30.531

- ◆ Maintenance of accurate records reflecting:
 - a description of the property;
 - manufacturer's serial number, model number, or other identification number;
 - source of the property, including assistance identification number;

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- acquisition date and cost;
- the percentage of the Federal share of the cost;
- location, use, and condition of property and the date the information was recorded; and
- *ultimate disposition data, including sales price or the method used to determine the price, or the method used to determine current fair market value where a recipient compensates EPA for its share.*

- ◆ A physical inventory of property must be conducted, and reconciled with the property records, at least once every two years. Your inventory must verify the current use and continued need for the property;
- ◆ Maintenance of a control system to prevent loss, damage, or theft; and
- ◆ Maintenance of proper sales procedures which provide for competition resulting in the highest possible return on property sold.

30.538 Although a project is EPA-funded, you may not use General Service Administration (GSA) sources of supplies and services, or excess Government property.

At the end of a project period, EPA retains the right to take title to the equipment. If the equipment has value at the end of the project, we will direct you to take one of the following actions:

- ◆ Keep the equipment and pay EPA its proportionate share of the current fair market value;
- ◆ Sell the equipment and pay EPA its share of the proceeds; or
- ◆ Return the equipment to EPA and, if applicable, we will reimburse you for the proportionate share of the current fair market value.

Financial Records

30.526

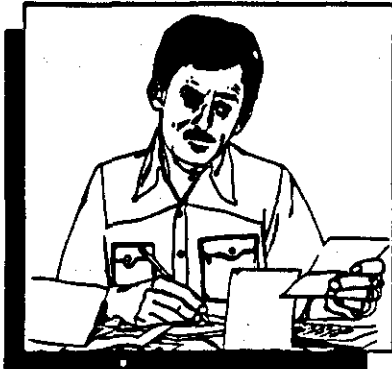
Though not required, you may wish to establish a separate bank account to hold the funds awarded under the grant agreement for ease of accounting. While it is highly unlikely that groups will earn interest on grant funds, any interest earned on grant funds must be credited against the remaining Federal funds obligated to the group -- i.e., EPA will subtract the interest earned from the total amount of the award under the grant agreement.

Your financial management system also must meet, at a minimum, the following specific criteria:

30.510

- ◆ A general ledger that includes an accurate, current, and

AR 5001



complete accounting of all financial transactions for the project. Supporting documentation should include canceled checks, invoices, timesheets, work orders, receipts, and correspondence indicating:

- the sources and amounts of funds received (Federal and other) as well as any transactions involving in-kind contributions;
 - the application of all project funds, including grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income accrued from interest payments; and
 - the total cost of the project;
- ◆ Records of any purchases made under the award, including receipts for all goods and services purchased over the life of the project;
 - ◆ Control over and accountability for all project funds, property and other assets, and an assurance that you used these solely for authorized purposes;
 - ◆ A comparison of actual costs versus budgeted amounts;
 - ◆ Audits at least every other year on an organization-wide basis;
 - ◆ Procedures for determining allowable, allocable, and reasonable costs; and
 - ◆ A systematic method for responding to audit findings and recommendations.

You must carefully monitor the project budget and document all financial transactions throughout your technical assistance project. Exhibit 6-1 provides a suggested layout for design of your financial ledger. A possible format also is provided for you to track the balance of the matching contribution required to be met during the budget period. Accountants or computer software programs also may assist with the management of financial information.

The technical advisor has the responsibility of keeping detailed records related to his or her technical grant activities as well. These records must reflect acquisitions, work progress, reports, expenditures, and commitments and indicate their relationship to established costs and schedules.

AR500146

Exhibit 6-1 (continued)

Sample Format for Monthly Recording of a Group's Matching Contribution

Month _____ Year _____					
IN-KIND CONTRIBUTIONS					
Date	Task/Job/Resource	Hours	Rate	Value	Description: ³

Total In-Kind \$ _____			
CASH CONTRIBUTIONS			
Date	Source	Amount/ Balance	Description: ³

Total Cash	\$ _____
Total Contribution Required:	\$ _____
	(-) _____
Contributions to Date:	\$ _____
	(-) _____
Subtotal:	\$ _____
	(-) _____
Total Monthly Contribution: ⁴	\$ _____
	(-) _____
Current Remaining Balance:	\$ _____

³⁾ When receipts, timesheets, and other documents are available for both in-kind and monetary contributions, their existence may be noted in this column.

⁴⁾ Total monthly contribution = Total In-Kind + Total Cash

AR500148

Reporting Requirements

Technical assistance grant recipients are subject to several reporting requirements under EPA's grant and procurement regulations. These reporting requirements are discussed below.

Progress Reports

35.4110

You must submit to us a quarterly progress report 45 days after the end of each calendar quarter. This requirement will be included in the grant agreement with EPA. In general, progress reports should describe in chart or narrative format the progress achieved in relationship to the approved schedule, budget, and project milestones. Any special problems encountered must be explained. Copies of any final written documents produced by the technical advisor should be attached. (See Exhibit 6-2 for a sample quarterly progress report.)

Publication of Documents

30.518

We have an established publication review process for documents produced under grant agreements for publication as EPA documents. Most materials likely to be published under the Technical Assistance Grant Program, such as newsletters or press releases, will not be subject to our formal review process or have to include the statement below as long as these items are published as part of your group's regular activities and not as EPA documents. However, all published material developed under a technical assistance grant must contain the following statement:

This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement (number) to (recipient). The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.

We also encourage independent publication of reports in professional journals at any time. You must submit a copy of the article to your TAG Project Officer when you send it for publication and three copies of the article following publication. The article must include the disclaimer listed in 40 CFR 30.518(d).



AR500149

Exhibit 6-2

Sample Quarterly Progress Report

[This report is based on the activities at an imaginary site, Woodtown Landfill, and is a hypothetical situation. Any similarity to actual people places or events is not intended.]

Date: 7/1/91
Report Number: 2
Report Period: 4/1/91 - 6/30/91
Site: Woodtown Landfill Site, Litchfield, Connecticut
Grant Recipient: Woodtown Landfill Coalition
Recipient Group Representative: Pat Jones (Executive Director)
Technical Advisor: Professor Jan Carter

Progress Report:

- The technical advisor completed review of the remedial investigation work plan (9 hours).
- The technical advisor issued an evaluation memo on the remedial investigation work plan (8 hours; total time spent on review of work plan in the first and second quarters equals 28 hours).
- The technical advisor and other Woodtown Landfill Coalition members attended the remedial investigation kick-off public meeting (8 hours; billed for technical advisor's preparation for and attendance at meeting).
- The Woodtown Landfill Coalition held four general membership meetings during this quarter to discuss the technical advisor's progress.
- The Coalition mailed the technical advisor's evaluation memo to interested individuals and to EPA to be included in the site information repositories.

Difficulties Encountered:

- None.

Project Status

- Estimated percentage of technical assistance project completed: 10%.

AR500150

Exhibit 6-2 (continued)

Sample Quarterly Progress Report

Activity Anticipated in Next Quarter:

- Technical advisor will review risk assessment report completed by EPA as part of the Remedial Investigation.
- Coalition will attend a public meeting to inform community members about progress at the site.
- Coalition will prepare an edition of the Newsletter for distribution to interested community members and the information repositories.

Materials Produced This Quarter:*

- | | |
|----------------|---|
| 1. Document: | Evaluation memo on remedial investigation work plan |
| Date Produced: | 6/11/91 |
| Author: | Professor Jan Carter (technical advisor) |

* Normally a copy of all materials produced would be included with the quarterly progress report. These materials have not been attached here due to the hypothetical nature of this example.

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In addition, we encourage you to publish the results of your technical assistance project. If you or your technical advisor choose to publish a report under your technical assistance grant, you must submit the document to your TAG Project Officer for review. The document must include the disclaimer listed in 40 CFR 30.518(c).

35.4115

Minority and Women's Business Enterprise Report



You are required to submit to the EPA TAG Project Officer all final, written documents published under your grant as evidence of the project's progress as related to the Scope of Services. The TAG Project Officer, in turn, will ensure that copies of all such documents will be placed in the local information repository for the site.

It is Agency policy to encourage the use of minority and women's businesses which are defined in the instructions section of EPA Form SF 334, "Minority Business Enterprise (MBE) and Women's Business Enterprise (WBE) Utilization Under Federal Grants, Cooperative Agreements, and Other Federal Financial Assistance," contained in Appendix B. The Superfund program requires that you submit this form for all procurements regardless of the dollar amount 30 days following the close of each Federal fiscal year quarter (e.g., the Federal fiscal year begins October 1 and ends September 30; therefore, fiscal year quarters would end December 31, March 31, June 30, and September 30). If you award all of your grant monies at one time, the Form SF 334 only needs to be completed once, during the fiscal quarter in which the subagreement(s) is awarded. However, if you only award, for example, \$5,000 of \$10,000 budgeted for subagreements, you must continue to file an SF 334 in every Federal fiscal quarter until all subagreements are awarded. Also, your technical advisors must comply with this reporting requirement if they intend to hire other personnel to assist them on this project. In the fiscal quarters when you or your technical advisors do not award subagreements but there are still grant monies outstanding, you merely inform us by using the Form SF 334 that no subagreements have been awarded during that fiscal quarter.

The following are step-by-step instructions on how to fill out an MBE/WBE form along with a completed Form SF 334.*

*For a complete discussion of EPA requirements regarding small and minority firms, see "EPA Guidance for Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements-6010," Office of Small and Disadvantaged Business Utilization, U.S. Environmental Protection Agency, 1986.

AR500752

OMB NOS. 0950-0001 AND 0940-0017
EXPIRES: APRIL 30, 1990

MBE/WBE* UTILIZATION UNDER FEDERAL GRANTS, COOPERATIVE AGREEMENTS, AND OTHER FEDERAL FINANCIAL ASSISTANCE

PART 1. (NEGATIVE REPORTS MAY BE REQUIRED)

1	1A. FEDERAL FISCAL YEAR 1990	1B. REPORTING QUARTER (Check appropriate box) <input checked="" type="checkbox"/> 1st (Oct.-Dec.) <input type="checkbox"/> 2nd (Jan.-Mar.) <input type="checkbox"/> 3rd (Apr.-Jun.) <input type="checkbox"/> 4th (Jul.-Sep.)
2	2. FEDERAL FINANCIAL ASSISTANCE AGENCY (Department/Agency, Bureau/Administrative Office, Address) US EPA JFK Federal Building Boston, MA 02203	3. REPORTING RECIPIENT (Name and Address) Woodtown Landfill Coalition Main Street Woodtown, CT 06898
3	2A. REPORTING CONTACT <i>[Signature]</i>	3A. REPORTING CONTACT Pat Jones
4	4A. FINANCIAL ASSISTANCE AGREEMENT ID NUMBER V-000000	4B. FEDERAL FINANCIAL ASSISTANCE PROGRAM Technical Assistance
5	4C. TYPE OF FEDERAL ASSISTANCE AGREEMENT <input checked="" type="checkbox"/> GRANT <input type="checkbox"/> COOPERATIVE AGREEMENT <input type="checkbox"/> OTHER FEDERAL FINANCIAL ASSISTANCE	
5	5A. PERIOD WHEN PROCUREMENT UNDER THIS AWARD WILL OCCUR START DATE: October 1990 END DATE: December 1990	5B. AMOUNT OF TOTAL PROJECT DOLLARS PLANNED FOR PROCUREMENT THIS FISCAL YEAR \$ 8,722
5	5C. RECIPIENT'S MBE/WBE GOALS (Percent of total procurement dollars (2b) for each) MBE 0% WBE N/A	
6	5D. MBE/WBE PROCUREMENT ACCOMPLISHED THIS QUARTER MBE \$ 0 WBE \$ N/A	5E. NEGATIVE REPORT (Check) <input checked="" type="checkbox"/> SEE INSTRUCTIONS

6. COMMENTS:

7	7. NAME OF AUTHORIZED REPRESENTATIVE Pat Jones	TITLE Executive Director
8	8. SIGNATURE OF AUTHORIZED REPRESENTATIVE <i>Pat Jones</i>	DATE 12/01/90

* WBE reporting is optional at the discretion of Federal financial assistance agency --
AUTHORIZED FOR LOCAL REPRODUCTION

STANDARD FORM 284
Prescribed by DEPARTMENT OF COMMERCE

AR500153

Instructions For Completing Form SF 334 Part 1

Item	Response
1 A.	Enter the Federal fiscal year date. (The Federal fiscal year runs from October 1 through September 30, so December 1, 1989 is in fiscal year 1990).
B.	Check the box of the applicable Federal fiscal quarter.
2.	Write the name and address of the EPA Regional Office designated in the assistance agreement.
A.	Write the name and phone number of the EPA TAG Project Officer.
3.	Enter the name and address of your group.
A.	Enter the name and phone number of your Project Manager.
4 A.	Enter the Federal grant number assigned by EPA.
B.	Enter "Technical Assistance."
C.	Check "grant."
5 A.	Enter the dates during which subagreements under the grant were awarded or will be awarded.
B.	Enter the total project dollars that will be awarded to the technical advisor during the current fiscal year.
C.	Calculate the percentage of procurement dollars you plan to spend with MBEs during this fiscal year. You must consult with your EPA TAG Project Officer with regard to EPA fair share goals.
D.	Enter the dollar amount of any subagreements awarded to MBE firms during this quarter.
E.	Check only if one or more procurements were executed this reporting quarter but no MBE procurements occurred.
6.	Leave blank or fill in with any additional comments or explanations.
7.	Type or print name and title of your Project Manager.
8.	Your Project Manager should sign and date

AR500154

Instructions For Completing Form SF 334

Part 2

NOTE: EPA grant recipients must report all subagreement awards, regardless of the dollar amount.

Item

Response

Fill in Part II, only if a subagreement was awarded to an MBE during this fiscal quarter.

Check "Recipient."

Check "MBE" if a procurement was awarded to either category during this fiscal quarter.

Enter the dollar amount of the procurement.

Enter the date the subagreement was awarded to the MBE.

Fill in, using codes at bottom of the form identifying the product or service procured. If an MBE is serving as the technical advisor, fill in 9b (Professional Services).

Enter the name of the MBE firm to which the subagreement was awarded.

MBE/WBE PROCUREMENTS OVER \$10,000 MADE DURING REPORTING QUARTER

PART II.

Procurement Made By		Business Enterprise Minority / Woman	\$ Value of Procurement	Date of Award (MM/DD/YYYY)	Type of Product or Service * (Enter Code)	Name/Address of MBE/WBE Contractor or Vendor
Principal	Other					
1						
2						
3						
4						
5						
6						

* Type of product or service codes

1 = Architecture	9 = Transportation	16 = Services
2 = Mining	10 = Miscellaneous Trade	17 = Business Services
3 = Manufacturing	11 = Retail Trade	18 = Professional Services
4 = Manufacturing	12 = Food, Beverage, and Drink	19 = Support Services
		20 = Postpaid Services

10 = Other

Financial Status Reports

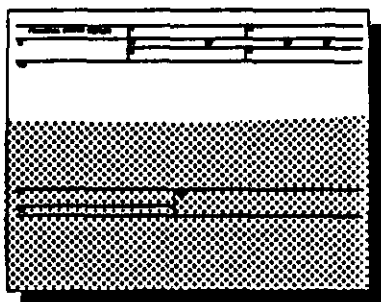
35.4110



You must submit a Financial Status Report (SF 269) each year within 90 days of the anniversary date of the start of the project, and within 90 days of the end of the grant budget period. A final Financial Status Report also must be submitted within 90 days of the end of the project period or termination of your technical assistance project. These reports detail expenditures during the past year. At the time the final Financial Status Report is filed, all payments to the technical advisor must have been made.

The following are step-by-step instructions on how to fill out a Financial Status Report and a completed form that complies with these instructions.

AR500156



**Instructions For Completing
Financial Status Report
(SF 269)**

Item	Response
1.	Enter the appropriate Financial Management or Grants Office (varies by Region) as specified in the assistance agreement.
2.	Enter the grant number assigned by EPA in the assistance agreement.
3.	Enter the name of your group and the name and address of the individual authorized to obligate the group to the terms of the assistance agreement.
4.	Enter the employer identification number assigned by the U.S. Internal Revenue Service as entered in Part I, Section I, line 5 of the main application form (Form 5700-33).
5.	For recipient groups that manage a variety of distinct financial projects, this space is reserved for an account number, if any, assigned by the recipient to the project.
6.	Check "Yes" if this is the final report, otherwise, check "No."
7.	Check "Cash."
8.	Enter the dates of the beginning and end of the total project period.
9.	Enter the dates covered by this report.

AR500759

Instructions For Completing Financial Status Report (SF 269)

Item

Response

10. Column (a) & (g)

Enter "Technical Assistance" in vertical column (a). Instructions for subparts a-m follow. All figures should be entered under column (a) and in column (g) "Total".

a.

Show zero if this is the initial report. On subsequent reports show total outlays previously reported.

b.

Enter total gross program outlays for the report period (outlays are the sum of actual cash payments for goods and services [plus the value of in-kind contributions]).

c.

Enter the total amount of program income accrued (as interest) on program funds. For the Technical Assistance Grant Program, this amount should be 0.

d.

Subtract line c from line b and enter the difference.

e.

Add line a to line d and enter the total sum.

FINANCIAL STATUS REPORT
(Follow instructions on the back)

1. FEDERAL AGENCY AND ORGANIZATIONAL BLOCK TO WHICH REPORT IS SUBMITTED
EPA Region 1

2. FEDERAL AGENCY OR OTHER IDENTIFYING NUMBER
V-888888

3. EMPLOYER IDENTIFICATION NUMBER
None

4. EMPLOYER ACCOUNT NO.
None

5. PROJECT/GRANT NUMBER (for continuation)
None

6. FISCAL YEAR
9,01,90

7. FISCAL YEAR
9,01,96

8. FISCAL YEAR
9,01,90

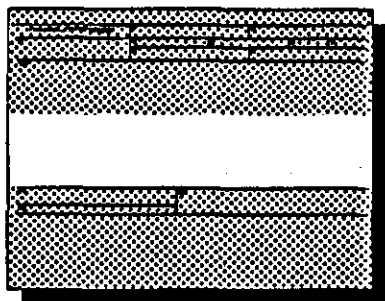
9. FISCAL YEAR
9,01,91

10. STATUS OF FUNDS

PROGRAMS/FUNCTIONS/ACTIVITIES	(a) Technical Assistance	(b)	(c)	(d)	(e)	(f)	TOTAL (g)
a. Outlays previously reported	0						0
b. Total outlays this report period	8,722						8,722
c. Total program income accrued	0						0
d. Outlays less income accrued (Enter minus in (a))	8,722						8,722
e. Outlays less income accrued (Enter minus in (a))	8,722						8,722

Pat Jones
Woodtown Landfill Coalition
Main Street, Woodtown, CT 06898

AR500158



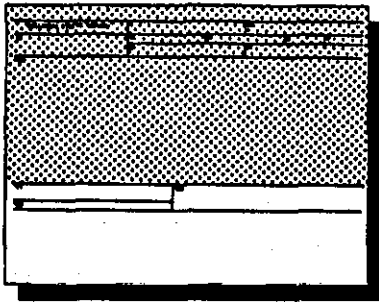
Instructions For Completing Financial Status Report (SF 269)

Item	Response
10f. (Column (a) & (g))	Enter the total value of all in-kind and cash non-Federal contributions.
g.	Subtract line f from line e and enter the difference.
h-j.	All debts must be paid prior to submission of a final Financial Status Report; therefore, lines h, i, and j must be 0 if this is a final Financial Status Report. Otherwise, enter amount owed to the technical advisor for work completed.
k.	Enter the figure shown on line g.
l.	Enter the total amount of the grant as specified in the initial grant agreement.
m.	Subtract line k from line l and enter the difference. This amount is the unspent portion of the grant. If this is a final report, this amount must be returned to EPA.

f		g		h		i	
1. Total Federal share of outlays		3,310				3,310	
2. Total non-Federal share of outlays (Total of lines 10f and 10g)		5,412				5,412	
3. Total unobligated obligations		0				0	
4. Total Federal share of unobligated obligations shown on line 3							
5. Federal share of unobligated obligations							
6. Total Federal share of outlays and unobligated obligations		0				0	
7. Total non-Federal share of Federal funds		5,412				5,412	
8. Unobligated balance of Federal funds		0				0	
9. Unobligated balance of non-Federal funds							
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m l k j

AR500159



Instructions For Completing Financial Status Report (SF 269)

Item

Response

11.

Not applicable.

12.

Optional. You may attach a separate sheet providing explanatory information if you believe such information is necessary to explain data entered on this report.

13.

Read, sign, and date this certification and submit this form to the EPA Award Official within 90 days of the anniversary date of the start of the project, of the end of the budget period, or of project completion.

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Final Project Report

You must submit to the EPA TAG Project Officer a draft of the Final Project Report for review no later than 90 days prior to the end of the approved project period and a final report within 90 days of the end of the project. This report must contain a narrative description of project activities over the entire period of grant support and must describe your group's achievements with respect to stated project purposes and objectives. The quarterly progress reports that you submit to us will be a good source of information for this final report.

Equipment Report

At the completion or termination of a project, you must submit a listing of all items of equipment acquired with grant funds.

Recordkeeping and Audit Procedures

35.4105



Both you and the technical advisor must keep and preserve full written financial records accurately disclosing the amount and disposition of any expenditures for three years following the submission of the final Financial Status Report. If litigation, a claim, a dispute, cost recovery, or an audit begins before the end of the three-year period, all records must be kept until three years following project completion or until the litigation, dispute, claim, or audit is completed and resolved. If you or your technical advisor intend to dispose of the records at the end of the recordkeeping period, you must notify us in writing and must keep the records until we notify you in writing that the records may be destroyed. If we terminate your award, all records still must be kept for three years from the date of termination.

30.502

You and your technical advisor must allow the EPA TAG Project Officer and any authorized representative of EPA, the Office of Inspector General, the Comptroller General of the United States, or the Department of Labor to inspect, copy, and audit records pertinent to the project. In addition, you and your technical advisor must allow access to records at any reasonable time for as long as the records are kept.

30.540

We may perform interim audits of your project costs and financial actions and transactions. The EPA TAG Project Officer may request an audit at any time after the submission of an application and may conduct a final audit of the project. If we, as a re

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30.802 determine that you owe funds to the Federal government, you will be required to reimburse us for that amount. We will take appropriate legal and administrative actions to collect the amount you owe the Federal government if reimbursement is not made in a timely manner.

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APPENDICES

APPENDIX A: Sample Materials to be Prepared by Grant Applicants and Recipients

APPENDIX B: Blank Forms

APPENDIX C: Key Contacts List

APPENDIX D: Selected Regulatory Text

APPENDIX E: Checklists for Grant Applicants and Recipients

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APPENDIX A

SAMPLE MATERIALS TO BE PREPARED BY GRANT APPLICANTS AND RECIPIENTS

- ◆ Part IV of the EPA Grant Application
- ◆ Sample Request for Proposals
- ◆ Sample Public Notice
- ◆ Sample Technical Advisor Subagreement
- ◆ Sample Cost Analysis

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Part IV of the EPA Grant Application Submitted by the Woodtown Landfill Coalition for a Technical Assistance Grant

[This appendix is based on an imaginary site, Woodtown Landfill, and is a hypothetical situation. Any similarity to actual people, places or events is not intended.]

INTRODUCTION

This application for a technical assistance grant at the Woodtown Landfill site in Litchfield County, Connecticut is being submitted by the Woodtown Landfill Coalition. The Coalition is composed of members from the Woodtown Citizen Task Force of Woodtown, Connecticut and the Smithtown Outing Club of Smithtown, Connecticut, both of which are located in Litchfield County in the north-western corner of the State. Since both groups require technical assistance, they have elected to form an Incorporated Coalition for the purposes of this program. The grant and technical advisor will be managed by an executive committee comprised of two officers from each group.

The Woodtown Citizen Task Force, formed in 1982, has 30 members at present. All of the group's members live within one quarter mile of the Woodtown Landfill site, which was added to the National Priorities List (NPL) in 1982. The task force has been concerned primarily with health effects resulting from the contamination at the site.

The Smithtown Outing Club, founded in 1965, is composed of 75 members. All group members live within five miles of the site. The group organizes a variety of swimming, canoeing, fishing, and hiking trips in and around Litchfield County. The Club has focused on the effects of contamination from the Woodtown Landfill site on the surrounding environment.

SECTION 1: QUALIFICATIONS OF THE APPLICANT

This section describes the qualifications of the Woodtown Landfill Coalition. It is organized according to the instructions for completing Part IV of the grant application form:

- A. Group Eligibility;
- B. Group Responsibility; and
- C. Group Issues and Objectives.

Questions concerning the group's qualifications should be directed to Pat Jones at the Woodtown Landfill Coalition, Main Street, Woodtown, Connecticut 06798, (203) 444-6666.

A. Group Eligibility

This application for a technical assistance grant at the Woodtown Landfill site in Litchfield County is being submitted by the Woodtown Landfill Coalition. This group is a non-profit organization with no direct affiliation to any State or local unit of government, or any other political subdivision. In addition, no member of the group is in any way associated with a potentially responsible party. Several members work for ineligible organizations but are members of the group in their capacity as concerned citizens. The group is composed of members who live in close proximity to the site (all members live within a five mile radius of the site) and who believe that they are directly affected by the contamination at the site. Given these circumstances, the group strongly believes that they should be considered as an eligible applicant for a technical assistance grant.

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Appendix A

B. Group Responsibility

1. Administrative and Management Capabilities

The Woodtown Landfill Coalition was formed in June 1987 from two existing community groups -- the Woodtown Citizen Task Force and the Smithtown Outing Club. Both of these groups have operated as non-profit organizations for at least five years and possess working administrative structures that oversee and guide their activities. The new Coalition is also a non-profit organization and will be managed by a four-person executive committee composed of the two presidents and the two treasurers of the respective groups. One member of the executive committee has been designated as Executive Director of the Coalition. The Executive Director will be the group's designated representative for the purposes of signing all documents related to the grant. The Executive Committee will direct the technical advisor and oversee the entire project. The two treasurers will be responsible for all financial oversight. The attached bylaws provide additional details about the administrative structure of the Woodtown Landfill Coalition.*

2. Resources for Project Completion

To complete our technical assistance project we will require the services of a technical advisor for six years. The six-year project period is divisible into two, three-year budget periods which run consecutively. The Coalition, if approved for a technical assistance grant, anticipates submitting one continuation application so that grant funds can be applied to the entire six-year project. At this time, the total estimated budget for the entire six year project will be \$55,538. Of this amount, the Federal share will be \$35,148. A detailed breakdown of how the Federal share will be used and the tasks to be accomplished in each budget period is provided in Exhibit A-1.

The Federal share of \$35,148 will be matched by \$20,390, an amount slightly more than 35 percent of the total project cost. The 35 percent match will be met with both cash and in-kind contributions. The cash portion will come from annual dues and fund-raising activities such as the Smithtown Canoe Rally and the Woodtown Recycling Drive. In the past three years, we averaged \$1,500, collectively, from these fund-raising activities. We also have received about \$500 in donations in each of those years. In-kind contributions will come from donated meeting space, accounting services, and editing services. A local businessman (a member and an officer of the Woodtown Citizen Task Force) will donate meeting space for use by the Coalition (to be used for Coalition meetings on an as-needed basis throughout the life of the project). A certified public accountant will donate services to provide accounting assistance to the Coalition. A local freelance editor/writer initially will design and then edit a newsletter devoted solely to the site and the technical assistance project. Exhibit A-2 provides a detailed breakdown of the Federal and matching shares over the two budget periods. Our administrative costs do not exceed 15 percent of the total project costs.

3. Satisfactory Performance Record

Although neither of the founding groups (Woodtown Citizen Task Force and the Smithtown Outing Group) nor the new Coalition previously have received Federal funds, we believe the group can

* Attachments referred to in this part of the sample application are referred to for the sake of instruction only, and have not actually been appended to this example because they will vary on a case-by-case basis. Your group should, however, include such attachments when submitting your application.

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Exhibit A-1

PROPOSED TECHNICAL ADVISORS' SCHEDULE OF TASKS AND COSTS FOR USE OF FEDERAL GRANT FUNDS

Three-Year Budget Period	Schedule/Tasks	Review Report	Prepare Memo/ Report	Attend Meeting	# of Hours	Cost at \$/hour*	Total Cost of Advisor	Total # of Hours
1st	Remedial Investigation (RI) • Review work plan • Issue evaluation memo • Attend RI kickoff public meeting • Review various RI reports (e.g., risk assessment, QA/QC plan, sampling plan) • Review RI report and prepare RI evaluation report	X	X		28	\$2,128		
				X	8	\$ 608		
		X	X		42	\$3,192		
		X	X		56	\$4,256	\$10,184	134
1st	Feasibility Study (FS) • Review health assessment and prepare report • Review draft FS and prepare FS evaluation	X	X		39	\$2,964		
		X	X		84	\$6,384	\$ 9,348	123
2nd	Feasibility Study (FS) Continued • Brief Coalition on FS and attend FS meetings • Review Coalition comments on FS • Review ROD and prepare summary memo	X		X	11	\$ 924		
		X	X		12	\$1,008		
		X	X		56	\$4,704	\$ 6,636	79
	Remedial Design (RD) • Review pre-final and final design and prepare design evaluation memo	X	X		56	\$4,704	\$ 4,704	56
2nd	Remedial Action (RA) • Review pre-final and final inspection reports and prepare cleanup evaluation report	X	X		29	\$2,436	\$ 2,436	29
							Total Cost of Advisor	421
	Travel • Two trips (total of 4 days/3 nights) to attend two meetings - Airfare (\$150) - Rental Car (\$40 per day) - Lodging and Meals (\$100 per dem)						\$ 300 \$ 160 \$ 300	
							Total	\$ 760
	Administrative Costs • Phone and Mail • Xeroxing						\$ 640 \$ 440	
							Total	\$ 1,080
							Total (Federal Share)	\$35,148

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ample assumes that there is a 10 percent inflation cost every budget period (3 years). To account for this, the hourly rate in the first budget period is \$76, and in the second budget period is \$84.

Exhibit A-2

Comparison of Federal and Matching Shares over Two Budget Periods¹

Budget Period 1 (Remedial Investigation):

1. Federal Share:

Labor (257 hours at \$76 per hour)	= \$ 19,532
Travel (one overnight to attend RI meeting)	= \$ 330
- Airfare (\$150)	
- Rental Car (2 days at \$40 per day)	
- Lodging and Meals (\$100 per diem)	
Other Direct Costs (ODCs)	= \$ 575 *
- Phone and Mail (\$350)	
- Xeroxing (\$225)	
Subtotal Federal Share	= \$ 20,436

2. Matching Share:

Cash	
- Incorporation	= \$ 422 *
- Newsletter (6 issues at \$200)	= \$ 1,200
- External Audit (20 hours of accounting @ \$24 per hour)	= \$ 480 *
In-Kind Contributions	
- Meeting Space (\$180 per year)	= \$ 540
- Accountant (132 hours at \$24 per hour)	= \$ 3,168 *
- Editor (260 hours at \$20 per hour)	= \$ 5,200
Subtotal Matching Share	= \$ 11,010 ²
TOTAL (Federal and Matching)	= \$ 31,447

¹ A ten percent increase in costs is assumed to occur every budget period (3 years).

² Grant recipients may sometimes find that their matching share costs exceed 35 percent

* Indicates administrative costs. In Budget Period 1, administrative costs total \$4,645 (the administrative costs allowed in this example would be \$4,717 = \$31,447 x .15).

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Exhibit A-2 (Continued)

Comparison of Federal and Matching Shares over Two Budget Periods

Budget Period 2 (Feasibility Study Continued, Remedial Design and Remedial Action):

1. Federal Share:

Labor (164 hours at \$84 per hour)	= \$ 13,776
Travel (one trip (two nights) to attend FS meeting and briefing)	= \$ 430
- Airfare (\$150)	
- Rental Car (2 days at \$40 per day)	
- Lodging and Meals (2 nights at \$100 per diem)	
Other Direct Costs (ODCs)	= \$ 505 *
- Phone and Mail (\$350)	
- Xeroxing (\$225)	
Subtotal Federal Share	= \$ 14,711

2. Matching Share:

Cash	
- Newsletter (6 issues at \$200)	= \$ 1,320
- External Audit (20 hours of accounting @ \$24 per hour)	= \$ 520 *
- Newspaper ads announcing Community Forum	= \$ 156
In-Kind Contributions	
- Meeting Space (\$198 per year)	= \$ 594
- Accountant (75 hours at \$26 per hour)	= \$ 1,950 *
- Editor (220 hours at \$22 per hour)	= \$ 4,840
Subtotal Matching Share	= \$ 9,380
TOTAL (Federal and Matching)	= \$ 24,091

* Indicates administrative costs. In Budget Period 1, administrative costs total \$4,645 (the maximum administrative costs allowed in this example would be \$4,717 = \$31,447 x .15).

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Appendix A

satisfactorily complete the proposed technical assistance grant project. The Scope of Services section of this application and Exhibit A-1 describe in detail our proposed plan for use of a technical advisor's services. Additionally, Exhibit A-3 provides a history of our involvement with the Woodtown Landfill site and shows our commitment to ensuring the eventual cleanup of this site.

4. Accounting and Auditing Procedures

A member of the Woodtown Landfill Coalition, originally from the Smithtown Outing Club, is a certified public accountant and has volunteered to assist in the financial oversight of grant funds. He will advise the group on completing financial reports required by EPA and the State. In addition, an outside accounting firm will be brought in to perform an independent audit every other year, as required by Federal regulations.

Our financial management system complies with generally accepted accounting procedures. We will establish and maintain a separate bank account and a general ledger solely for the management of the technical assistance grant. The two treasurers on the Executive Committee will maintain all financial records related to the grant. These records will be stored in a central file in the same office where Coalition meetings will be held. A phone log will be maintained by the Coalition's officers. In addition, the technical advisor will be expected to keep a phone log and other records of his/her activities and expenditures.

5. Procurement Standards

As part of this application and to comply with this requirement, we have submitted EPA Form 5700-48, "Procurement System Certification" stating that we agree to follow the requirements of 40 CFR Part 33 including the procedures in Appendix A.

6. Property Management

We do not plan to use technical assistance grant funds for the purchase of any property.

7. Compliance with Civil Rights Requirements

The Woodtown Landfill Coalition is willing to comply with the applicable civil rights, equal employment opportunity, labor laws, and other statutory requirements in 40 CFR Part 30, Subpart F.

8. Incorporation

The Woodtown Landfill Coalition filed for and received approval from the State of Connecticut for incorporation as a non-profit organization. Attached is a copy of the letter from the State approving the group for incorporation. In addition, a copy of the group's bylaws has been attached. This document provides a description of the administrative structure of the Woodtown Landfill Coalition. Detail is provided on the electoral process of the four person executive committee (two presidents, two treasurers), membership in the group, and general group goals. These bylaws have been adapted from the existing bylaws of the Woodtown Citizen Task Force and the Smithtown Outing Club to ensure that the interests of both founding groups are represented.

C. Issues and Objectives

1. Health Issues

Concern about contaminated private wells and possible health effects resulting from contamination at the site led to the initial formation of the Task Force. As explained in a priv

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Exhibit A-3

Chronology of Activities Conducted by Members of the Woodtown Citizen Task Force and the Smithtown Outing Club Regarding the Woodtown Landfill Site

A. Woodtown Citizen Task Force Activities

Date	Action
June 1, 1982	Woodtown Citizen Task Force forms in response to the listing of the Woodtown Landfill site on the National Priorities List
July 15, 1982	Task Force holds meeting to discuss actions needed at Woodtown Landfill site
September 9, 1982	Task Force members begin receiving bottled drinking water
September 23, 1982	Letters written by the Task Force to Connecticut Congressional delegation requesting help in evaluating health risks caused by contamination at the site
December 10, 1982	Held public meeting and press conference to publicize concerns of community members
March 3, 1983	Executive Council of Task Force attends a Town Board of Directors meeting to voice concerns about contaminated well water
May 18, 1983	Task Force began fund drive to raise money for water testing residential wells in the community
October 1983	Water testing performed at 60 residential wells in Woodtown
January 22, 1984	Letter to EPA seeking information on potential cleanup solutions at site
February 5, 1984	Held public meeting to discuss water testing results provided by EPA
April 9, 1985	Member of Task Force with environmental background begins trying to map out area of contamination
February 28, 1986	Task Force writes to EPA for information on the Technical Assistance Grant Program
July 1, 1986	Woodtown Citizen Task Force unites with Smithtown Outing Club to form Woodtown Landfill Coalition

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Exhibit A-3 (Continued)

Chronology of Activities Conducted by Members of the Woodtown Citizen Task Force and the Smithtown Outing Club Regarding the Woodtown Landfill Site

B. Smithtown Outing Club Activities

Date	Action
May 1976	Members of the Outing Club notice contamination in the Rolling River (i.e., water smelled and slightly irritated the skin)
September 1979	Club members vote to stop using the Rolling River for club events due to the potential of contamination
March 28, 1980	The Outing Club sends a letter to local officials complaining about the situation in the Rolling River
July 7, 1980	Members of the Outing Club submit an editorial on the condition of the Rolling River to the local paper
February 10, 1981	Club submits an editorial to the local paper requesting public comment on the condition of the Rolling River
August 5, 1983	Club executive committee attends a Town Council meeting to voice opinions about the contamination of the Rolling River
September 14, 1983	Group members attend a meeting at which State officials announce a ban on all fishing in the Rolling River
November 11, 1984	Letters sent to Connecticut Congressional delegation outlining Club concerns over the river contamination and requesting action
June 30, 1985	Letter sent to EPA requesting help in initiating a speedy cleanup of the Rolling River in response to listing of the Woodtown Landfill site on the National Priorities List
April 13, 1986	Letter sent to EPA requesting information on the Technical Assistance Grant Program
July 1, 1986	Smithtown Outing Club unites with the Woodtown Citizen Task Force to form the Woodtown Landfill Coalition

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report, residents' well water continues to be undrinkable due to its strong odor, brownish color, and unpleasant taste which the Task Force believes to be solely caused by contamination from the Woodtown Landfill site. Several residents have reported to the Task Force that they have experienced mysterious skin rashes after bathing in the well water and are concerned about their health. As a result, Task Force members have had to resort to using bottled water for nearly two years. EPA is considering members' request for an alternate water supply after the Agency has completed their sampling at the landfill. The Woodtown Citizen Task Force, as a member of the Woodtown Landfill Coalition, wants to ensure specifically that all potential health risks related to the site are investigated thoroughly and that the remedial action selected will restore the quality of their private well water supplies.

2. Broad Representation

The Woodtown Landfill Coalition, despite its recent formation, has a diverse membership which represents much of the community's interests and concerns about the Woodtown Landfill site. By combining the Woodtown Citizens Task Force and the Smithtown Outing Club, the Coalition is able to represent a wide range of interests and concerns about the Woodtown Landfill site. Coalition members believe that this organized effort will positively affect both members of the group and individuals in the community by providing a single contact from which community concerns can be addressed. The Coalition itself does not have a long history with the Woodtown Landfill site, but its composite organizations have been active in dealing with site issues since the site was listed on the National Priorities List in 1982. The primary areas of past involvement are health and environmental concerns. Attached as Exhibit A-3 are two chronologies, one from the Woodtown Citizen Task Force and one from the Smithtown Outing Club, detailing past involvements by Coalition members with the Woodtown Landfill site. As can be noted from these chronologies, the combined historical involvements of the two groups forming the Woodtown Landfill Coalition represent a wide range of community concerns and a significant commitment on the part of these groups to achieve a remedy for the Woodtown Landfill site.

3. Tasks for the Technical Advisor

The primary purpose of the tasks to be performed by the technical advisor is to help the members of the Woodtown Landfill Coalition better understand the technical information, data, reports, designs, and oral presentations provided by EPA and the State in the course of studying and conducting remedial activities at the Woodtown Landfill site. By interpreting, analyzing, and evaluating the information, the technical advisor will aid our group in commenting more productively and effectively on remedial activities at the site. The ultimate goal of the technical assistance project is to help us help EPA clean up our drinking water and restore the Rolling River to its previous recreational uses. A more detailed description of the tasks to be performed by the technical advisor is given in the Scope of Services (Section 2 of this Appendix).

The technical advisor will be hired for a three-year contractual period beginning at the start of the remedial investigation (RI). This contract will be eligible for renewal for additional periods of three years or less, as needed, until the completion of the remedial action.

4. Informing Others in the Community

As a means of keeping community members informed of activities at the Woodtown Landfill site, the Woodtown Landfill Coalition will produce 12 issues of a newsletter containing information generated by the technical advisors. Five hundred copies of this newsletter will be printed. 400 copies will be distributed by hand to interested community members.

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be mailed directly to Coalition members and the local press. In addition, all final documents produced by technical advisors will be sent to EPA to be placed in the information repositories established for the site at locations accessible to interested community members (i.e., Woodtown Public Library).

To encourage community involvement in activities related to the site, the Coalition will make all of its general, monthly meetings open to the public and will not require membership in either of the pre-existing groups (Woodtown Citizen Task Force and Smithtown Outing Club) to become a member of the Woodtown Landfill Coalition. Additionally, prior to EPA's public meeting on the feasibility study, the Coalition will hold a community forum to brief the public on the technical advisor's findings. The Coalition will advertise the meeting by putting an ad in the local newspaper.

5. Economic and Environmental Issues

Members of the Smithtown Outing Club have, since the Club's inception in 1965, actively organized a variety of swimming, canoeing, fishing, and hiking trips within Connecticut. Many of these club-sponsored activities have taken place on or near the Rolling River. During the last decade, however, contamination from the Woodtown Landfill site has polluted the river, causing club members to fear swimming or canoeing in the river. Additionally, the State has banned fishing in the river. As a result, this pollution has eliminated most of the river's recreational uses. The Smithtown Outing Club, as a member of the Woodtown Landfill Coalition, wants the Woodtown Landfill site cleaned up so that the pollution caused by it will no longer damage the Rolling River.

A number of economic concerns face many of the members of the Woodtown Landfill Coalition. The main worry among Coalition members is that publicity about the contamination from the landfill may cause the property values of homes with contaminated water or with riverfront exposure to the Rolling River to decrease significantly. As a result, Coalition members support a timely cleanup of the Woodtown Landfill site before the effects of site contamination scare away potential buyers and significantly lower property values in the region. Coalition members also have experienced significant financial burdens from not being able to use their well water. For example, members must purchase bottled water for drinking and cooking, and laundry cannot be washed in residential washing machines because the clothes become stained after washing them in the contaminated water.

SECTION 2: SCOPE OF SERVICES

This section provides a detailed description of individual technical advisor tasks and their purpose. Technical assistance tasks presented in this Scope of Services are based on conversations with the EPA Remedial Project Manager and the Community Relations Coordinator for the site.

Remedial Investigation (134 hours including one trip)

The advisor's first task will be to review the RI work plan, sampling plan, and quality assurance and quality control (QA/QC) plan. The Coalition wants to ensure that adequate sampling is carried out and gauge the need for testing in areas not included in the RI work plan. Special attention will be given to how EPA plans to investigate the migration of contamination from the Woodtown Landfill site into the Rolling River. From EPA's evaluation, the advisor will be expected to prepare a memo for the Coalition's leadership so that this information can be relayed to the membership via the newsletter. The memo and newsletter also will be sent to EPA to be placed in the information repository for the site.

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The advisor will be expected to attend a proposed meeting between EPA staff and residents scheduled for the start of the RI. The advisor will prepare questions to be asked of EPA regarding sampling plans, particularly in regard to the Rolling River. The Coalition also will take the opportunity during the meeting to discuss EPA's plans for evaluating the site's potential health risks.

Upon completion of the RI report, the advisor will be expected to help the Coalition evaluate the results. Another key document to be reviewed by the advisors will be the risk assessment (if available). The advisor will prepare memos on both these documents and the information will be made available to the Coalition membership via the newsletter and the information repository.

Feasibility Study (288 hours including one trip)

The advisor will complete a detailed analysis of the proposed remedies in the draft feasibility study and then brief the Coalition on its contents. Additionally, the advisor will prepare a written report to aid the Coalition's preparation of public comments. This report will provide the advisor's recommendations regarding the proposed cleanup measures. The advisor will make a presentation on his findings at a special community forum held by the Coalition prior to EPA's public meeting. The advisor will attend EPA's public meeting to be held in Woodtown during the public comment period. The advisor's primary responsibility will be to serve as a resource to the Coalition spokespeople at the meeting, interpreting technical information and asking clarifying questions. The advisor may make comments at the meeting if asked by the Coalition. The single, two-day trip during this period will combine both the Coalition briefing and the public meeting.

The Coalition is particularly concerned about the potential risks to human health posed by the Woodtown Landfill site. Consequently, we consider the health assessment to be prepared for the site to be a particularly important document. The advisor will be expected to analyze the health assessment thoroughly to ensure that public health is being adequately considered. The advisor will prepare a summary report on the potential health risks posed by the site and how EPA proposes to address these risks. This report will be included in the newsletter and sent to EPA to be placed in the information repository.

The advisor also will examine the ROD and prepare a memorandum on the chosen method of cleanup. Additionally, this report will describe how major comments submitted by the Coalition and the general community were addressed by EPA in the responsiveness summary. This memorandum will be published in the Coalition's newsletter and sent to EPA to be placed in the information repository.

Remedial Design (80 hours)

The technical advisor will be expected to carry out oversight functions during this stage. The advisor will review the final design to ensure that the design is consistent with the record of decision (ROD). The advisor will be expected to report his/her findings in memoranda submitted to the Coalition's Executive Committee. Excerpts about the progress at the site will be published in the Coalition newsletter. The memoranda will be available in the information repository.

Remedial Action (42 hours)

During the remedial action phase, the advisor will be expected to review the final inspection report. Within 30 days of the completion of the cleanup, the advisor will prepare a final report summarizing his/her findings. This report will be published in the Coalition's newsletter.

Sample Request for Proposals

The Woodtown Landfill Coalition is soliciting proposals under competitive negotiation for a technical advisor to provide assistance in the review and analysis of remedial activities undertaken by the U.S. Environmental Protection Agency (EPA) at the Woodtown Landfill Superfund site. Members of the Coalition include approximately 105 citizens in the Smithtown-Woodtown areas of Litchfield County, Connecticut. The technical advisor will assist Coalition members in interpreting documents generated throughout the Superfund process at the Woodtown Landfill site. The advisor also will help members review site data and data-gathering techniques. Technical assistance will ensure that Coalition members are thoroughly informed about all aspects of site cleanup activities, which will enable them to participate more effectively in EPA's decision-making process.

The scope of work will require the technical advisor to perform the following tasks during an initial three-year contractual period (with options for additional years), beginning just prior to the start of the Remedial Investigation (RI):

- (1) Review of technical documents generated during the remedial investigation/feasibility study (RI/FS), remedial design (RD), and remedial action (RA). These documents will include the RI work plan, sampling plan, quality assurance/quality control plan, RI report, risk assessment, health assessment, draft FS, record of decision, pre-final and final engineering design, and final inspection report;
- (2) Attendance at RI/FS meetings;
- (3) Preparation of summary memos and reports;
- (4) Review of the Coalition's written comments to be submitted during the public comment period on the draft FS; and
- (5) Presentations to Coalition members and others.

The advisor will work with Coalition members to develop a scope of services that will define Coalition expectations further. The scope of services will be included in the subagreement and will specify the timing and scope of the advisor's responsibilities based on the contractual agreement.

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Sample Request for Proposals (continued)

The technical advisor must have verifiable credentials and must provide the Coalition with a list of previous clients and information on any past, current, or anticipated business or financial relationships with any potentially responsible party at the site, their parent companies, subsidiaries, affiliates, subcontractors, and current clients, or attorneys and agents. The successful offeror will have:

- Technical qualifications in the area of health/risk assessment;
- Expertise to perform the scope of work, including expertise in the health sciences, toxicology, hydrogeology, and engineering, or explain how they will obtain the expertise;
- Experience working with governmental agency procedures and with clients who do not possess extensive technical backgrounds;
- Financial resources and adequate accounting procedures in place to successfully manage the services required and account for expenditures; and
- Demonstrated knowledge of CERCLA, RCRA, and other relevant statutes.

Each proposal received will be evaluated on the following criteria, which are weighted equally based on the Coalition's priorities:

20% Past relevant experience;

20% Knowledge of EPA procedures and reporting requirements;

20% Price;

20% Relevant expertise (i.e., health sciences, engineering), both academic and demonstrated;

20% Ability to provide written and oral translations of technical documents and data in terms understandable to lay persons.

Coalition members will evaluate proposals by assigning a score of 0-5 to each of these criteria. The scores then will be added for a total score. The highest possible total score is 25. The goal of these selection criteria is to obtain the best proposal at a reasonable cost.

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Sample Request for Proposals (continued)

The group has the option to renew the subagreement after the initial three-year period for additional one to three-year contract periods as long as the cleanup continues. Contract renewal will be based on satisfaction with the technical advisor's previous performance. A total of approximately 421 hours of work is estimated for the technical advisor during the entire cleanup; the distribution of these hours is dependent upon the pace at which site cleanup proceeds.

This contract will be awarded under a competitive negotiation procurement method to the best qualified applicant within a competitive price range. The Coalition will negotiate to obtain the best final offer. Candidates will be informed of the Coalition's decision to reject or accept a proposal.

The deadline for submitting proposals to the Coalition is 5 p.m., July 10, 1990. Qualified firms or individuals are encouraged to respond to this request for proposal. All proposals should be sent to:

Ms. Pat Jones, Executive Director
Woodtown Landfill Coalition
Main Street
Woodtown, Connecticut 06798

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Sample Public Notice

PUBLIC NOTICE

Technical Assistance Services Solicited by Woodtown Landfill Coalition

Community group concerned with local Superfund site in Litchfield County, CT seeks technical assistance services for a three to five year period. Support to include review and analysis of U.S. EPA remedial activities at hazardous waste sites required under CERCLA. Technical advisor to review sampling data, reports, and studies during Superfund response. Written and oral presentation must be appropriate for non-technical audiences. Interested individuals or firms should have experience in working with government agencies; knowledge of hazardous waste and expertise in the following areas: health sciences, biochemistry, toxicology, engineering, and hydrogeology. Effective immediately, applicants may obtain an RFP by sending a large, self-addressed envelope to:

*Ms. Pat Jones, Executive Director
Woodtown Landfill Coalition
Main Street
Woodtown, CT 06798*

Proposals must be received at the above address by close of business (date must be at least 30 days from the publication of this notice).

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Sample Technical Advisor Subagreement

This subagreement is entered into this ____ day of _____, 19__, by and between the Woodtown Landfill Coalition and (Contractor) of (Business Address).

I. SCOPE OF SUBAGREEMENT

The contractor agrees to perform the following services:

A. Purpose:

The Woodtown Landfill Coalition is entering into this subagreement for the services of a technical advisor with (the contractor) to provide assistance in the review and analysis of remedial activities at the Woodtown Landfill Superfund site. Members of the Coalition include approximately 105 citizens in the Smithtown-Woodtown areas of Litchfield County, Connecticut. The technical advisor will assist Coalition members in interpreting documents generated throughout the Superfund process at the Woodtown Landfill site. The advisor also will help members review site data and data-gathering techniques. Through this technical assistance, the contractor will ensure that Coalition members are thoroughly informed about all aspects of site cleanup activities, which will enable them to participate more effectively in EPA's decision-making process.

B. Contractual Period and General Statement of Duties:

This subagreement will cover an initial three-year period. This subagreement may be renewed, at the option of the Woodtown Landfill Coalition, after the initial contract period for additional one- to three-year contract periods as long as the cleanup continues, but is not to exceed ten years.

The contractor will perform the following tasks during the initial contractual period, beginning just prior to the start of the remedial investigation (RI) at the Woodtown Landfill Superfund site:

- (1) Review of technical documents generated during the RI. These documents will include the RI work plan, sampling plan, quality assurance/quality control plan, RI report, and risk assessment;
- (2) Attendance at RI kickoff meeting;
- (3) Preparation of summary memoranda and reports;
- (4) Preparation of questions and review of Coalition comments/questions for the public meeting on the RI kickoff; and
- (5) Presentations to Coalition members and others.

C. Specific Contractor Tasks:

1. Remedial Investigation

Time allocation: 134 hours, including one trip

- (a) The contractor's first task will be to review the RI work plan, sampling plan, and quality assurance and quality control plan. The Coalition wants to ensure that adequate and gauge the need for testing in areas not included in the RI work plan.

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given to how EPA plans to investigate the migration of contamination from the Woodtown Landfill site into the Rolling River. From the evaluation, the contractor shall prepare a memorandum for the Coalition's leadership so that this information can be relayed to the membership via the newsletter. EPA will place the memorandum and newsletter in the information repository for the site.

(b) The contractor shall attend a proposed meeting scheduled for the start of the RI in Woodtown, Connecticut between EPA staff and residents. The contractor shall prepare questions and review Coalition questions to be asked of EPA regarding sampling plans, particularly in regard to the Rolling River.

(c) Upon completion of the RI report, the contractor shall help the Coalition review the results. The contractor also shall review the risk assessment (when available). The contractor shall prepare memoranda on both these documents as well as an overall RI evaluation report. The contractor shall make the information available to the Coalition membership via the newsletter, and to EPA which may place memoranda, reports, and newsletters in the information repository.

(d) The contractor will analyze the health assessment thoroughly to ensure that public health is being considered adequately and will prepare a summary report on the potential health risks posed by the site and how EPA proposes to address these risks. The contractor shall make the information available to the Coalition membership via the newsletter.

(e) The contractor will complete a detailed analysis of the proposed remedies in the draft feasibility study and then brief the Coalition on its contents. Additionally, the contractor will prepare a written report to aid the Coalition's preparation of public comments. This report will provide the contractor's recommendations regarding the proposed cleanup measures. The contractor will attend the public meeting to be held in Woodtown during the public comment period. The contractor's primary responsibility will be to serve as a resource to the Coalition's spokespersons at the meeting, interpreting technical information, and asking clarifying questions.

D. Progress Reports:

The contractor shall submit the following reports:

1. **Progress Reports:** The contractor shall submit monthly progress reports to the Woodtown Landfill Coalition. These reports shall be submitted within fifteen (15) days of the end of each calendar month. These reports shall, at a minimum, contain the following information summarizing the activities undertaken to date by the contractor:

- (a) hours worked, categorized by the Scope of Work tasks;
- (b) dollars spent by task and total dollars spent for the reporting period;
- (c) a description of activities;
- (d) a copy of any written materials prepared during the reporting period; and
- (e) an identification of any outstanding Coalition concerns about the site that have not been addressed.

2. **Final Report:** Within 60 days of the end of the subagreement, the contractor shall submit to the Woodtown Landfill Coalition, for its review and approval, a final detail all activities undertaken under the subagreement and evaluate their effect.

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ing the purpose of this subagreement. The Woodtown Landfill Coalition shall review the final report and may require revisions. Upon receipt of the Woodtown Landfill Coalition revisions, the contractor shall incorporate any revisions necessary and resubmit the final report within 15 days.

II. PAYMENT

A. The Woodtown Landfill Coalition shall compensate the contractor for the services outlined in this subagreement at a rate of seventy-six dollars per hour (\$76.00 per/hr), which shall include overhead, general, and administrative costs.

B. Reimbursement for Other Direct Costs, not to exceed six hundred and forty dollars, shall be at the following rates:

- | | | |
|--------------------------|----------------------|-----------------------------------|
| 1. Telephone expenses | at cost | |
| 2. Postage | at cost | |
| 3. Stationary | at cost | |
| 4. Secretarial | at cost | |
| 5. Copying, printing | at cost | |
| 6. Other expenses | at cost | (graphics, for example) |
| 7. Lodging expense | up to \$100 per diem | (charged at the Government rate.) |
| 8. Other travel expenses | at cost | |

Travel rates shall be limited to approved Federal reimbursement rates. (These rates can be found in the July 15, 1987 Federal Register.)

C. Overall maximum payment for the subagreement, including any reimbursement authorized in (A) and (B) above, shall not exceed:

Ten thousand, eight hundred and twenty four dollars
(amount in words)

(\$10,824)
(amount in numbers)

Payment shall be made on a basis in accordance with provision III (A) of this subagreement.

D. In no event shall the contractor be reimbursed for holidays, sick days, or time other than that actually spent providing the services.

III. METHOD OF PAYMENT

A. Standard Invoice System:

Monthly, the contractor shall submit time sheets and corresponding invoices to: Pat Jones, Executive Director, Woodtown Landfill Coalition, for services performed during the calendar month that ended. Time sheets must indicate the hours charged on a daily basis (r and indicate travel expenses corresponding to the days the charges were incurred. I

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